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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMAN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY, ON FRIDAY 9 AUGUST, 1946 1000-1700, LORD JUSTICE LAWRENCE PRESIDING.

THE PRESIDENT: I think I said -- at any rate, I will say it again -- that the Tribunal will sit in open session tomorrow until one o'clock.

WOLFRAM SIEVERS --Resumed
CROSS EXAMINATION-- Continued

BY MR. ELWYN JONES:

Q. Witness, yesterday I was taking you through extracts of your diary for 1944. Have you a copy of those extracts in your possession at the moment? I am referring to the document 3546-PS, which is GB551.

MR. ELWYN JONES: I want to make it clear, My Lord, that the extracts which are in this exhibit 3546-PS are only sporadic extracts taken from the diary relating to the medical experiments. There are numerous other entries in the diary referring to other aspects of the activity of the "Ahnenerbe".

BY MR. ELWYN JONES:

Q. I had taken you yesterday to the 2nd of February. Now, will you look at the entries for the 22nd of February ? You will see that you had a conference with Dr. May, and there is an entry relating to cooperation with Dr. Ploetner and Professor Schilling. What work was Dr. Ploetner on at that time ?

A. I cannot hear the German translation I am sorry.

Now I can hear.

THE PRESIDENT: Have you heard the question ?

THE WITNESS: Yes.

Dr. Ploetner was active together with Dr. Schilling. This matter refers to the report from Himmler dated the 23rd of January , according to which the reports of Schilling's were to be passed along to Dr. May. These reports actually were not passed along, for Schilling refused any collaboration with Dr. May.

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BY MR. ELWYN JONES:

Q. Now turn to the entry for the 25 th of February.

THE PRESIDENT: Is it a separate document, or is it in the book ?

MR. ELWYN JONES: It is in the document book, My Lord, Exhibit 3546 PS.

BY MR. ELWYN JONES:

Q. On the 25th of February you make an entry regarding the order of the RFSS about his work in Dachau in cooperation with Dr. Rascher.

"The 22nd of March, 1830 to 2100 hours, SS Hauptsturmfuehrer Dr. Rasch preparation of the freezing experiments for the winter half-year 1944 to 1945".

You were at Dachau with Rascher on that date, were you not ?

A. Here we are concerned with those experiments which, as I already testified to before the Commission, I wanted to have carried through because of freezing conditions encountered in the East. These conditions, however could not be carried through at Dachau. This fact was reported to Himmler, and he ordered that they were to be carried through during the following winter half-year. However, they were never carried through, for at that time Rascher had been arrested, in April.

Q. For whom were you carrying through these experiments ? Was it for the army ?

A. These experiments were to be carried through with the Reichsartz SS Grawitz.

Q. He was the SS Chief Surgeon, was he not -- Grawitz ?

A. Yes.

Q. And his experiments were for the benefit of the Waffen SS, were they ?

A. Grawitz personally refused the carrying through of these experiments by current negotiations. They were not carried through in the winter of 193 1935, as Himmler had wished; but as Grawitz had wanted, if these experime were to be carried through, Rascher was to go to the front and work in the hospitals in the front directly.

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Q. You have not answered my question, witness. For whom were these experiments being carried out ? Was is for the Waffen SS ?

A. The order for the executi . of these experiments was not on hand. The collaboration existed between the SS and the Wehrmacht, but I do not know the particulars.

Q. If you look at the next entry, 14th of April, Station Raschers; situation of work : Further work; orders for provisional carrying on; Hauptsturmfuehrer Ploetner introduced.

Now, that was the time when Rascher was arrested, was it Not ?

A. Yes, after Rascher had been arrested.

Q. And Hauptsturmfuehrer Ploetner succeeded Rascher, did he not ?

A. Yes.

Q. The experiments were continued at Dachau and elsewhere ? The removal of Rascher made no difference ?

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A. Those were works of a different kind from those carried out by Rascher, completely different.

Q. You had attended some of the Rascher experiments, had you not?

A. I was at Dachau several times, yes.

Q. And you were there with Himmler on several occasions when Rascher was carrying out his experiments, were you not?

A. No, never did I go with Himmler together with Rascher at Dachau.

Q. I want you to look at the document 2428-PS, which will be GB-582, which is an affidavit of Dr. Pacholegg of whom you spoke yesterday.

MR. ELWYN JONES: Your Lordship will find it at Page 25 of the English document book, Page 32 of the German document book.

BY MR. ELWYN JONES:

Q. You will see this question and answer put to Pacholegg after he had described the experiments of the throwing of victims into cold water and of the experiments on prostitutes to restore the warmth of these people:

"Question: How was present at such an experiment?

"Answer: Heinrich Himmler and his staff generally witnessed these important experiments here at Dachau, or any new experiment. Standartenfuehrer Sievers was always present with Himmler."

A. That is not true.

Q. These experiments were hideous expériments, weren't they, Witness?

A. You mentioned these experiments and I have already told you that I wasn't present at those experiments, that is when Himmler was there.

Q. Were you ever present when Himmler was not there?

A. I saw two experiments, one as I have already mentioned yesterday, an experiment which I saw in part when Dr. Rascher was present, and another experiment in the low pressure chamber.

Q. I want you to turn to Page 30 of the German document book, Page 22 of the English document book, so that your memory may be refreshed as to what sort of suffering these victims had to suffer under these so-called low pressure experiments.

MR. ELWYN JONES: It is in the last answer on Page 22 of the English

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document book, My Lord.

BY MR. ELWYN JONES:

Q. Pacholegg states: "There I have personally seen, through the observation window of a chamber, when a prisoner inside would stand in a vacuum until his lungs ruptured. Some experiments gave men such pressure in their heads that they would go mad and pull out their hair in an effort to relieve the pressure. They would tear their heads and faces with their fingers and mails in an attempt to maim themselves in their madness. They would beat the walls with their hands and head and scream in an effort to relieve pressure on their eardrums. These cases of extremes of vacuums generally ended in the death of the subject. An extreme experiments was so certain to result in death that in many instances the chamber was used for routine execution purposes rather than experiment. I have known Rascher experiments to subject a prisoner to vacuum conditions or extreme pressure conditions or combinations of both for as long as thirty minutes. The experiments were generally classified into two groups, one know as the living experiment and the other simply as the "X" experiment, which was a way of saying execution experiment."

Those were the sort of experiments that were being carried on by Rascher for the Luftwaffe, weren't they?

A. Here we are concerned with the low pressure experiments, and the method of carrying them through I know for the first time through the reading here. The experiment which I witnessed ---

Q. Just answer the question. Those experiments of that type were being carried out for the Luftwaffe, weren't they?

A. Yes.

Q. What was the participation of Goering in these experiments?

A. That is unknown to me, for the experiments at Dachau started in the year 1941 and I only learned of them after they had already begun. The connections with the Luftwaffe were carried on through the sanitation inspection offices and whether Standartenfuehrer Goering was informed about these matters,

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that I can not tell you.

Q. Through whom was the connection with the Navy maintained in connection with these scientific experiments?

A. That I don't know.

Q. And the Army?

A. That I don't know either.

Q. You see, you were the Director of this institute for scientific research for war purposes. You must have had liaison with each of the arms of the services, didn't you?

A. The connections between the Luftwaffe matters were carried on through Obergruppenfuehrer Wolff to General Milch.

Q. The Luftwaffe surgeon working on these Rascher experiments was Weltz, wasn't he? W-e-l-t-z, Oberfeldarzt of the Luftwaffe? That is so, isn't it?

A. That may be. Several gentlemen were mentioned whom I do not know. Letters were written also on the order of Rascher. They went through official channels and they were addressed to officials. But without data I can not tell you; I deposed these matters last year already.

Q. Does the name Dr. Holzloehner convey anything to you? He signed the report on the Schilling experiments.

A. Yes.

Q. He was Professor of Physiology of the Medical School at the University of Kiel, wasn't he?

A. Yes. Before the Commission I mentioned that Professor Holzloehner worked, together with Dr. Rascher, at the experiments in Dachau.

Q. Was he the representative of the Navy in these experiments?

A. He was an Air Force doctor.

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Q. Do you remember the experiments that were carried out for making sea water drinkable?

A. Yes, I heard of them.

Q. They took place -- they started in May of 1044, didn't they?

A. Yes. Yes, that may be.

Q. And you remember that you attended a conference on the 20th of May 1944, in the Air Ministry, to which members of the Navy and Luftwaffe were invited; you remember that occasion?

A. I do not remember any conference in the Air Ministry.

Q. Doyou remember a conference anywhere else where you had a discussion on these experiments to make sea water drinkable?

A. Yes. Here we are concerned with Dr. Grawtiz, Reichsartz SS, and in this connection, I must explain that after the arrest of Rascher, his successor, Dr. Ploetner, refused to carry through experiments on human beings. Only after the arrest of Rascher things came to light as to just how cruelly and exceeding his orders Rashher had worked. Himmler explained --

Q. I beg your pardon. I will test you on that in a moment, but I just want you to try to apply your mind on making sea water drinkable. Do you remember that there was a conference in which representatives of the Air Force and of the Navy attended? That is all I want you to dral with at the moment. You can give your explanation later.

A. I have already said I do recall that a conference with Dr. Grawtiz took place and later on a confernce at Dachau with gentlemen of the Luftwaffe. Whether gentlemen of the Navy were present at that, I don't recall.

Q. But I want you to try to remembr, because it is important you see. These were experiments on sea wayer. One would assume that they that the Navy would be interested. They were interested, and they sent a representative, didn't they?

A. I don't believe that a representative of the Navy was present.

Q. Do you know Dr. Laurens who was connected with U-boats at Kiel L-a-u-r-e-n-s?

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A. No, I don't know him.

Q. Was it decided, in connection with these sea wqter experiments, to use gypsies for the purpose of experiments?

A. In this connection, I must give you the explanation that I started to give a little bit earlier, because this is the decisive point. Dr. Ploetner refused to carry out experiements on human beings and Himmler did not demand this of him. Grawtiz received the order to devote himself to these matters. Therefore, the readiness and willing ness, that is the agreement on their position had to be had if experiments on human beings were to be conducted. Grawtiz said that the Luftwaffe, and particularly a professor from Vienna, had put the request that inmates should be put at their disposal and in this connection gypsies may have been mentioned in order to talk about the drinkability of sea water. As to the details, I can not tell you, but at that time it was ordered that the chemical and physiological experiments be carried through, and for these purposes, in the institute headed by Dr. May, for a period of three weeks, two rooms were to be put ready in which these Luftwaffe physicians could work. As far as these experiments are concerned --

Q. You had a staff working in Dachau on these experiments consisting of a supervisor, three medical chemists, one female assistant, and three non-comm ssioned officers, didn't you, in connection with these sea water experiments for Grawtiz?

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A. Yes, that may be. That was under the supervision of Frawitz and his directives, but the institution of which I never learned anything. Our rooms were just confiscated but everything else was taken care of by Grawitz. I do not know who worked there or whether they were personnel of the SS.

Q. Why was this staff working in Dachau? Why was Dachau chosen as the place for the scientific experiments of making seawater drinkable? It was because you had the human guinea pigs there, wasn't it?

A. I have already said that the Luftwaffe contacted Himmler for the purpose of getting inmates for these experiments, and therefore Dachau was selected.

Q. I want you now to go back to your diary, page 30 of the British document book, My Lord. You will see an entry for the 14th of April, "Political Department about escape of Pacholegg". This prisoner Pacholegg escaped, didn't he?

A. Yes.

Q. Why did you go to the Political Department about him?

A. For, toward the end of the year, together with Rascher and Pacholegg I was at Vorarlberg and I had been accused of aiding the escape of a prisoner. We are dealing here with the matter of arrest and I know what the consequences would have been if Rascher suspected that I had aided the escape of the prisoners.

Q. You must have been extremely anxious when Pacholegg escaped because h. knew a lot of the details about your work, didn't he? You must have been most anxious to secure his recapture.

A. At that moment I was worried about myself for it would not be hard to imagine what would have happened if Rascher knew about what had happened.

Q. If you look at the entry for the 23rd of May, you will see that you had a conference with the Reichsarzt SS Grawits, Poppendick, and Ploetner. Then you had "Division as to the work of Dr. Schilling's". Then, in the afternoon, you had a second conference with Ploetner. That was about these experiments to make seawater drinkable, wasn't it?

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A. No, we are here concerned with the matter of Ploetner who complained about the work carried on by Schilling and said that he could not continue working aby longer as he was a member of the Waffen SS.

Q. You yourself must have been feeling pangs of conscience about the use of inmates because your military situation was rather delicate, wasn't it?

A. I did not have a conflict of conscience at that late date, but much sooner than that, and because of the documents which are being submitted now and the accusations which were raised against me at that time, I am forced to give a confession and I should like to make some statements, and I ask to be heard before the High Tribunal.

THE PRESIDENT: The Tribunal thinks you may say anything you wish in that regard.

MR. ELWYN JONES: I would like to say that I have some other questions which I would like to put to this witness.

THE PRESIDENT: You may.

MR. ELWYN JONES: It might be to the advantage of the Tribunal if I asked him about a few other matters and then perhaps we could return to his statement, however, if your Lordship wishes, I would be perfectly willing to let the witness make his statement now if he wishes.

THE PRESIDENT: Let him make it now, then.

MR. ELWYN JONES: If your Lordship pleases. Then, witness, will you make your confession to the Tribunal?

THE WITNESS: Before the Commission of 27 June, in reply to questions, I had to answer and give certain statements; and I was repeatedly asked to be briefed. Because of that I had to limit myself to the facts only and my personal attitude was not stated. As I have seen the consequences that were brought about as to my credibility which was doubted, it was proposed that I personally participated in these incriminating experiments and did not wish to tell the truth. Therefore, in order to clear matters, I must testify, myself, personally.

I entered the Party as well as the SS as a leading member of the

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resistance movement and because of this function in the Ahnenerbe, there was quite a good deal of chances to work illegally.

BY MR. ELWYN JONES:

Q. When you say "resistance movement", I did not quite understand you. What was the "resistance movement" that you were leading?

A. In the secret organization of Dr. Hilfer, who was the head of the movement in connection with the 20th of July in which he was arrested by the Gestapo and put in prison. Therefore, I worked against the experiments. Finally, this had the consequence that Himmler, as is seen from the decree, declared that resistance against these experiments was high treason and execution was to follow. Among other things, he told me that he was going to carry the full responsibility for these experiments, and apart from that experiments on human beings had taken place repeatedly in medical research. These experiments carried out in 1900 on human beings . . .

MR. ELWYN JONES: I do not know if the Tribunal wants to hear more of this conversation. It seems to me to be more of an avoidance than a confession and I have numerous matters to put to this witness.

THE PRESIDENT: Mr. Elwyn Jones, the Tribunal thinks you better go on with your cross-examination. If the witness wants to add something at the end he may do so.

BY MR. ELWYN JONES:

Q. Now, just look back again at your diary. On 27 June you had a conference with SS Stabsfuehrer Dr. Brandt and SS Hauptsturmfuehrer Dr. Berg on the "creating of a scientific research station in a concentration camp. Information about conference with SS Obergruppenfuehrer Pohl." That was on 27 June 1944, you know. On 25 July, you had a conference with "SS Stabsfuehrer Maurer, Oranienburg, about the use of inmates for scientific purposes." That was when you were leading the resistance movement. On 26 July with SS Hauptsturmfuehrer Dr. Fischer by phone. "Order in accordance with conference with SS Stafsfuehrer Maurer, dated July 25, 1944, to journey fastest through all concentration camps in order to fix finally the persons".

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On October 21, you record that you were having another conference, "Proceeding of research of SS Sturmbannfuehrer Prof. Dr. Hirt. Revewed release of Staff Surgeon Dr. Wimmer for duty and setting aside of the Chemist, SS Obersturmfuehrer Martinek in accordance with letter of October 6, 1944".

On 23 October, you were having a conference with Poppendieck. On that day you record in your diary, "Taking over of biological research by SS Stabsfuehrer Dr. Ploetner in Dachau."

Witness, do you remember your experiments on the quickening of coagulatio of blood?

A. No.

Q. Did you take part in any such experiments?

A. I never participated in these experiments, for I am a research man, but I do remember that Dr. Ploetner refused to carry out experiments on human beings and the text of this means . . .

Q. I am sorry to interrupt you, but I would like you to say what you personally knew about these experiments. What was the form of them, for instance?

A. The method of quickening of coagulation of blood took place in Inssbruck under Prof. Breitner, and finally, in Vienna under Professor Decks leadership.

Q. What happened was that bullets were fired into prisoners of a concentration camp and experiments were carried on as to how fast they could stop the flow of blood. That was the form of the experiments, wasn't it?

A. These experiments were carried on by Rascher and not by Professor Ploetner, and they came to light only after Rascher's arrest.

Q. I am not concerned with who carried them out. You know the form of the experiments and you know that the form was that bullets were fired into the prisoners and afterwards efforts were made to stop the flow of blood, isn't that true?

A. That only came to light after Rascher's arrest.

Q. Just look at document No. 065, page 8 of the British document book.

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That will become GB-583, and it is an affidavit of Oswald Pohl of the WVHA, and I want to direct your attention to paragraph 4, page 11 of the German document book, in which he gives some testimony about you. I only want to point out a few things in paragraph 4.

"Sievers came to find out from me about the possibilities for manufacturing of medicine. I mentioned the Deutsche Heilmittel GMBH in Prague which belonged to the German plants, managed by Oberfuehrer Baier of my staff. I recommended Sievers to go to him. The medicine had been manufactured later in Schlachters (Black Forest). Sievers told me the following: The 'Ahnenerbe', whose manager was Sievers, had developed in Dachau a medicine which quickly brought coagulation of blood. It was enormously important for our army because it prevented continual bleeding. It was the result of experiments in Dachau during which a prisoner was fired upon. A prisoner in Dachau, a specialist in the field, took an important part in the discovery of this medicine."

Now, those facts are true, aren't the?

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A. Yes, but the sense is not quite complete there. When this conference took place, Rascher had already been arrested for some time and it was known that he, himself, had carried on this experiment and I told Pohl quite extensively, for Dr. Breitner had worked and completed this medicine and expert opinion by Professor Breitner and Professor Denck and another doctor from Vienna had to be held first and the picture shown in this document is completely wrong.

Q. Rascher is dead. It is convenient to cast all the blame on to him, isn't it ?

A. Here we are concerned with clarifying facts and therefore I can say only those things which are true and which I know exactly.

Q. Did you have anything to do with the experiments into the cause of contagious jaundice ?

A. No, I know nothing about that.

Q. I want you to look at document No. 010 page 4 of the English document Exhibit GB 584. That was a letter, as you see, from Grawitz to Himmler. It is dated the 1st of June 1943 and headed "Top Secret." Subject : into the cause of contagious jaundice."

THE PRESIDENT: What is the signature ?

BY MR. ELWYN JONES:

Q. That is the signature of Grawitz, is it not, the Reich Doctor SS and Police ?

A. Yes.

Q. "Reichsfuehrer : The Fuehrer's commissioner-general, SS Brigadefuehrer Professor Dr. Brandt ..." Pausing there for a moment, he was the Reich Commissioner for Health and Sanitation, wasn't he ?

A. Yes.

Q. The Fuehrer's commissioner-General, SS Brigadefuehrer Professor Dr. Brandt called on me with request that I should assist him by placing prisoners at his disposal for research work into the cause of contagious jaundice which he was furthering considerably.

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"The work has been carried out up to now by a medical captain, Dr. Dohmen, within the framework of the research place of the army medical inspectorate, with the participation of the Robert Koch Institute. It has up to now led to the result, in agreement with the results of other German research workers, that contagious jaundice is not carried by bacteria but by a virus. In order to increase our knowledge, which is based up to now only on vaccination experiments from men to animals, the reverse way is now necessary, namely the vaccination of the cultivated virus germ into humans. One must reckon on cases of death.

"The therapeutic and above all the prophylatic results are naturally largely dependent on this last experimental step. 8 prisoners condemned to death would be required, if possible of fairly young age, within the prisoners' hospital of Sachsenhausen concentration camp. I respectfully ask for a decision. Reichsfuehrer, as to :

"1. Whether I may start the experiments in the prescribed form;

"2. Whether the experiments may be carried out in the Sachsenhausen prisoners hospital by medical captain Dr. Dohmen himself.

"Although Herr Dohmen does not belong to the SS (he is an SA leader and a party member), I would recommend this as an exception in the interests of the continuity of the series of experiments and thus of the accuracy of the results.

"The practical importance of the question raised for our own troops, especially in Southern Russia, is shown by the fact that this illness has been very widespread in the past years, both amongst us in the Waffen SS and the police and in the Army, so that companies have been reduced by 60 % for periods of up to 6 weeks."

And then there follows some more comment about the illness and that is signed by Grawitz. Grawitz was the vice president of the German Red Cross , wasn't he ?

A. Yes.

Q. I want to turn to the document No. 011 on page 5 of the British document book --- GB 585. That is the reply of Himmler to the letter of

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Grawitz. It is dated the 16th of June 1943. "Subject : Research into the cause of infectious jaundice", and Himmler says:

"I give the permission for 8 criminals condemned to death in Auschwitz (8 Jews of the Polish resistance movement who have been condemned to death) to be used for the experiments.

"I agree to Dr. Dohmen carrying out these experiments as Sachsenhausen

"Like you, I am of the opinion that a real combatting of infectious jaundice would be of untold value."

And then it is signed by Himmler with a note at the bottom :"SS Obergruppenfuehrer Pohl, Berlin. Copy sent with a request that note be taken."

Those experiments into the cause of contagious jaundice were done for the Waffen SS and for the army, weren't they ?

A. I am just learning about these things for the first time. These things are not known to me and I cannot see what connection I have wit them.

Q. I want you to deal next with your experiments into spptted fever vaccine. Perhaps you may be al little more familiar with the nature of thes experiments . Have you knowledge of those ? Professor Haagen might give you a clue.

A. Yes, Professor Haagen did carry on vaccinations against spotted fever at the request of the camp where this disease was prevalent.

Q. Who delegated Haagen for this work ?

A. He was the hygienist at the University of Strassburg.

Q. But I asked you, who delegated him for this work and not what his qualifications were for it.

A. As far as I recall, these experiments were carried through by Haagen on order of the Sanitary Inspector of the Wehrmacht and of the Lutfwaffe

Q. He was commissioned by Goering, wasn't he ?

A. Who was responsible for the delegation on behalf of the Luftwaffe, that I don't know.

Q. Just look at your own letter on this subject, No1 008, the first document in the English document book -- GB 586 . It is headed "Institute for practical scientific research for military purposes", dated the 19th of

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May 1944. That was after Rascher had been removed from the scene. It is to "SS Obergruppenfuehrer and General of the Waffen SS Pohl, Chief of the WVHA. Subject : Production of a new kind of spotted fever serum".

"Dear Obergruppenfuehrer :

"Following our application of 30/9/43, you gave your authorization on the 25th October 1943, for the carrying out of experiments with a view to producing a new kind of spotted fever serum and transferred 100 suitable prisoners to Natzweiler for this purpose. It has been possible to carry out the experiments very satisfactorily so far with the help of the Chief of Department D III, SS Standartenfuehrer Dr. Dolling commissioned by you. It appears from the results of the report before us that it is possible not only to achieve an anti-toxical, but -what should be of special practical importance also a decided anti-infectional immunity with the help of this serum. Inoculation, however, still produces a lengthy fever reaction so that its introduction for the protective inoculation in its present form cannot be recommended at yet. Further research is being carried out now with a view to changing the serum in such a way as to produce only so weak a reaction that no considerable effect on the general well-being takes place while retaining its full effectiveness. It is to be examined whether this can be achieved by decreasing the doese of the serum and by longer storage of the serum. The new serum is already in preparation so that further experiments could be embarked upon as soon as further persons suitable for the experiments are available. I therefore request you to detail persons to Natzweiler again for the purpose of inoculation. In order to obtain results which are as accurate as possible and can also be utilized for statistical purposes, 200 persons should be placed at our disposal for inoculation this time; it is also again necessary that they be as far as possible in the same physical condition as is met with amongst members of the armed forces. If imperative reasons should demand that 200 persons should not be transferred to Natzweiler for the experiments, the experiments could be carried out in a different concentration camp, although it would entsil great difficulties.

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The overcoming of these difficulties would, if necessary, have to be accepte by the scientists employed -altho[illegible] the latter are at the same time very much tied down to the University Of Strassburg owing to their lecturing activities - as the results which will certainly be achieved are of the most far reaching importance for maintaining the health.

As I have informed you, the direction for carrying out the experiments is in the hands of the Director of the Hygienic Institute of the Reich University of Strassburg, Prof, Dr. Haagen, Major in the Medical Corps and consulting hygienist to an air fleet, who was commissioned with this task by the Reich Marshal, the President of the Reich Research Council. In accordance with his instructions, Dr. Haagen has to report about his work to the chief of the Luftwaffe Medical Services; in doing this he has to mention with whose support the work is carried out; that is first the Reich Research Council and secondly the SS. I request your decision as to which of the following is to be mentioned as the supporting authority of the SS;

"a) the Reichsfuehrer SS or

"b) the SS Economic Administrative Head Office (WVHA) or

"c) the Institute for practical scientific research for military purposes of the Waffen SS."

Are you still saying that Goering didn't commission Haagen ?

A. Yes, I am still maintaining that; and it says so here, "Reich Marshal President of the Reich Council". That does not in any way mean that Mr. Goering had knowledge of these various requests of which thousands and thousands were issued in his name and on his stationery. The various confidence expert branches were competent here.

Q. The Tribunal has this document before it so I am not going to argue with you on it.

THE PRESIDENT: Who signed the letter ?

BY MR. ELWYN JONES:

Q. The letter is signed by you, isn't it ?

A. Yes.

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Q. And you mentioned Goering specifically, Reich Marshal, President of the Reich Research Council. Now just look at the document No. 009 which refers to that letter of yours. It will be GB-587. It is page 3 of the document book. That deals with the question as to who is to have the honor of having taken the lead in these experiments. It is to the "Reichsfuehrer SS, Personal Staff". Whose signature is at the bottom of that letter ?

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A The personal expert of the Reichsfuehrer, Dr. Brandt.

Q Will you look at document 009, which will be GB-587, It is dated 6 June 1944, subject: Production of a new kind of serum against spotted fever. It is to SS Standartenfuehrer Sievers. "Dear Comrade Sievers, Thanks very much for sending the copy of your letter of 19.5.44 to SS Obergruppenfuehrer Pohl. I have informed the Reichfuehrer SS, as the matter seemed to me to be sufficiently important. In answer to the question as to who is to be designated as the supporting authority of the SS, the Reichfuehrer SS said that both the SS Economic Administrative Office (WVHA) and the institute for scientific research of military value (Institut fuerwehrwissenschaftliche zweckforschung) should be mentioned. In addition, there is no objection to saying straight out that the Reichfuehrer SS has also personally supported the experiments. Heil Hitler! (initials) SS Standartenfuehrer." What was your connection with the experiment on sterilization? I will just remind you that there were three. First, with the fluid of a plant, and with x-rays, and lastly experiments by operation. Do you remember that?

A No, I don't remember them. I don't know them.

Q Do you know who was carrying them out?

A No, I don't know that.

Q Look at the document number 035, which will be GB 588, page 7 of your Lordship's document book. Page 8 of the German document book. That is a letter to the Reich Plenipotentiary for the Consolidation of German Folkdom, SS Himmler, Chief of the Police, Berlin. That was another arm of the SS that was interested in these medical experiments, was it not? Did you hear my question?

A Yes, It is completely wrong. The Reich Plenipotentiary for the Consolidation of German Folkdom was not.

Q Was it another branch of the SS that was involved in these medical experiments?

A No.

Q The letter has the initials of Himmler at the top, H.H. You are extremely familiar with them. The letter reads: "I beg you to give your attention to the following statements. I have asked Professor Hohm to hand this letter to you and have thus selected the direct path to you in order to avoid

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the slower official channels and to eliminate the possibility of an indiscretion, bearing in mind the enormous importance, under certain circumstances, of the idea submitted. Prompted by the thought that the enemy must not only be conquered but exterminated, I feel obliged to submit the following to you as the Reich Plenipotentiary for the Consolidation of German Folkdom. Dr. Madous is publishing the results of his research into sterilisation by medicaments. (I enclose both works). In reading this article, I was struck by the enormous importance of this medicament in the present struggle of our people. Should it be possible to produce as soon as possible as a result of this research, a medicament which, after a comparatively brief period, would cause an unnoticed sterilisation in individuals, we would have at our disposal a new and very effective weapon. The thought alone that the 3 million Bolsheviks now in German captivity could be sterilised, so that they would be available for work but precluded from propagation, opens up the most far-reaching perspectives. Madous discovered that the juice of the plant Caladium Seguinum, taken orally or injected, produces after a certain time, particularly in the males of animals but also in the females, a lasting sterility. The illustrations which accompany the scientific work are convincing. Provided that the idea expressed by me meets with your approval, the following path could be followed: 1. Dr. Madous should not publish any more works of this kind (the enemy is listening too!) 2. Propagation of the plant (easily raised in greenhouses!). 3. Immediate experiments on humans (criminals!) in order to ascertain the dose and the duration of treatment. 4. The quickest possible discovery of the formula of the composition of the effective chemical body in order to 5. produce the same synthetically if possible. I myself, as a German doctor and a retired Lieutenant of the reserve in the medical corps of the German Armed Forces, undertake complete silence on the use to which the subject raised by me in this letter is to be put. Heil Hitler! Signed, Dr. Pokorny, Specialist on skin and veneral diseases, University Doctor of Medicine." Do you know that subsequent to that, greenhouses were erected and these plants were cultivated?

A No. I don't know that. In this connection I remember only the following. That this publication by Dr. Madous was transmitted for giving out his attitude on the basis of the rather remarkable suggestion to Dr. von

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Wuenzburg, who was a specialist on tropical plants, and he stated immediately that such a plant could not be raised and therefore could not be at our disposal.

Q I appreciate the difficulty of growing this topical plant in Germany, but an attempt was made to grow them, was it not?

A I don't know whether it was tried to raise them.

Q Grawitz, the Reich Surgeon of the SS, was in charge of this, was he not?

A That is not known to me either. It may be.

Q Apart from these experiments I especially mentioned, the "Ahnenerbe" was also used for political purposes, was it not?

A Political purposes? What do you mean by that?

Q Fifth column activity abroad, for instance? The penetration of scientific thought as a method of political influence.

A No.

Q Just look at the document, 1698-PS, will you? It is inserted before page 20 of the English document book. There is just one page of it. 1698 PS will be GB 589. It is an Annual Report dated 17 November 1944. It reads "The Heritage of the Ancestors. Germanic Scientific Mission Outpost Flanders, SS-Unterstuff (F) Dr. Augustin. Annual Report. The work is aimed as an intellectual deepening and broadening especially in the intellectual strata of Flanders and Walloony. In following the Germanic line which the SS alone represents, 1. The liberalistic-humanistic educational front must be invaded by winning over occupants of intellectual key-positions. 2. To work against the great German Mythos with the idea of the Great-Germanic Reich-community. 3. To promote the revival of the consciousness of German culture and German Folkdom with the exceedingly effective, though neutrally camouflaged means of political propaganda, science, in view of the arrogant French assumption of culture and the Flemish inferiority complex. Exactness must remain the principle for research and presentation, since objectively it does not exclude the Germanic intention." In the next paragraph it says "Thus strata of intelligence can be laid hold on, which were not open to official prrss- and schooling-propaganda. But are occupying heretofore most insufficiently supervised influential key positions in the intellectual life of the country, Concerned are university-, college-, and scientific policies, promotion of

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student interests and granting of scholarships, i.e. selection for college and promotion of the talented, in which our work is to be inserted. To seize, influence and obligate the occupants of intellectual key positions (college professors, associations of lawyers, educators, students, artists) is a task which in its propaganda, in the press and above all in connection with the security-service was a direct political significance andinfluence. Closest cooperation with the security-service has been maintained from the very start."

THE PRESIDENT: Mr. Elwyn Jones, are you submitting that this is a crime?

MR. ELWYN JONES: Yes, I am submitting that it is an essential part of this machinery. And its usages for political purposes in other countries.

Q The "Ahnenerbe" was a component part of the SS, was it not?

A In the testimony before the Commission, I gave an extensive statement in this matter, and in this question it is to be said that under the SS main office Dr. Augustin was charged as expert for this work and the continuation of this work. I cannot say that any activity like this is a 5th column activity, or any --

Q I am only questioning you in general in regard to the Ahnenerbe. Was it a department of the SS. Look at document 488 PS page 19 of the document book. That was a Himmler order with regard to the Ahnenerbe Stiftung. I want to draw your attention to the first paragraph. It reads, "I, the undersigned Reichsfuehrer SS Heinrich Himmler hereby certify that 1, the Resear and Teaching Society "Das Ahnenerbe" (the SS Ancestral Heritage Research Organisation), and 2, the "Ahnenerbe-Stiftung", (Ancestral Heritage Institute) are parts of my personal staff and thus are departments of the SS." The funds of the Institute for Scientific research, they came from the Waffen SS funds, did they not?

A Both of these matters I testified to before the Commission, on the following: Point 1, the so-called Ahnenerbe became an office in the personal staff of the Reichsfuehrer SS in 1942. I testified that its structure was not affected by it. Funds of the Ahnenerbe were received through funds of the German Forschingsgemeinschaft, fees as subsidies, gifts of the industry. Waffen SS money and Wehrmacht SS money solely and alone, as I stated before, were put at the disposal of the institute for purely scientific experiments.

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Q The members of the Ahnenerbe who were carrying out these experiments were all SS men, were they not? I want you to look at Document D-962, a roll, which is the last document I am putting to you. It will be GB 591. You see the name of Dr. Hans Brandt? And you see as you go down the whole of that list that with one exception they are all officers of the SS, are they not?

A Yes, with the difference that it does not show for what purpose it is drawn up. It included merely the SS leaders, and reference to the medical status of the families and their children. I testified that parts, one-half, belonged to the SS but not all.

Q There are about 100 names there, professional and German doctors connected with your work?

A They are not all scientists. The list also includes truck drivers.

Q They were all, with one exception, members of the SS, were they not?

A No. It includes also honorary members who were called for research only.

MR. ELWYN JONES: That is all.

WOLFRAM SIEVERS: May it please the Tribunal, I should like to give my explanation --

THE PRESIDENT: Perhaps we had better have the re-examination first.

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RE-EXAMINATION

BY DR. PELCKMANN:

Q Witness, what was the purpose of the Ahnenerbe Stiftung? Please be brief in your answers.

A Yes.

Q Was it the purpose of the Ahnenerbe Stiftung to carry on medical experiments and research on others?

A The purpose of the Ahnenerbe Stiftung was to carry on purely scientific research as is set down in the constitution of the Ahnenerbe Stiftung.

Q Is it true that the Ahnenerbe had fifty different research tasks?

A The Ahnenerbe had fifty different research branches and they were instituted above and beyond that. It had carried on more than one hundred expansive research projects.

Q Among the research projects, which you have just mentioned and the various institutes, was the Institute for Scientific Research for War Purposes included in this group?

A This was a special group within the Ahnenerbe. It may be seen that it was financed.....

Q Please don't answer that now. I am now asking you if this was a branch. I will ask you further and you will have further opportunity to speak. You heard that the Institute for Scientific Research for War Purposes carried on experiments, is that correct?

A Yes.

Q How were the projects in the Ahnenerbe Stiftung financed ?

A The Ahnenerbe Stiftung was the one that had all the means and the Ahnenerbe Stiftung would give the money to the Ahnenerbe.

Q Then, where did the means come from ?

A From the means of the German Research Society membership dues, from Reichs money or better membership dues.

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Q Which members ?

A Of the participating members. Any German could become a member of the Society for the Ahnenerbe.

Q You said that the money came from membership dues. Where else did the money come from ?

A From contributions or you may say economy.

Q And, it was money for the so-called Scientific Institute of Research for War Purposes. Where did this money come from ?

A Solely and alone from Wehrmacht monies and this had to be set aside specifically according to the regulations which applied.

THE PRESIDENT: I have before me the commission evidence on this. This has all been stated in the commission and I have it before me.

DR. PELCKMANN: You are quite right, Your Lordship, but the prosecution just now raised the questions in such a way that the witness had no chance to give an exact reply.

THE PRESIDENT: Don't you think that you can make your examination shorter, in view of the fact that this evidence was all given before the commission and the Tribunal has this before them ?

DR. PELCKMANN: Yes, My Lord. The members, or rather the collaborators and those who were charged with the research projects for the Ahnenerbe Stiftung, can you tell me what percentage of them belonged to the SS ?

THE WITNESS: Perhaps one-half.

BY DR. PELCKMANN:

Q Were the rest of them Party members?

A That was not a prerequisite.

Q On the other hand, were there collaborators who were non-political ?

A There were those, who for political purposes, were refused admittance by the party and by the state.

Q Did Professor Seip belong to this group ?

A Yes, Professor Seipt was charged with the research in the University and I was responsible for his liberation from a concentration camp.

Q Before me, I have the original copy of your book and you have been confronted with only extracts. This includes 330 pages, however the extracts number only three pages. On the basis of this material, can you tell me if these matters which were discussed here supply only a fraction of the mass of the work carried on by the Ahnenerbe Stiftung ? Please be very brief.

A Yes, I can confirm that. That is why I am waiting to give my explanation in this connection. My notes were not saved for the purpose so that I could conceal things, but to tell of matters in the interests of clearing up the truth.

Q Witness, are you in a position to give exhaustive and competent explanation from the fragments of your diary that were put to you in the court of your testimony and afford a comprehensive truthful statement without giving the entire contents of the diary ?

A This is quite impossible because of the scope and size of the diary. You can see from the large size of the book, that which my work took up and the limited matters discussed here. When we consider the time in which they occurred, it is almost impossible to even discuss these matters and to make complete statements according to the truth. In my previous interrogation, I again and again referred to that fact. In my secret remarks and data so that I could give comprehensive statements, because of my political attitude, it was very close to my heart to put things right, but my requests were not granted and I put this in a written request on December 20th so that I could produce essential truths.

Q That is quite sufficient, witness. I should like to have just one example where a completely wrong picture

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must result if the witness is limited to put a fraction and fragment of his diary. I should like to submit the entry Page 103-14 April--1330-1515 Hours. Station Rascher; "Situation of work, further work, orders for provisional carrying on--Hatuf. Pletner introduced." This shows the work is taking place, there is future work and directives were then carried out. The things which followed are not shown in the extract. I should like to call the witness' attention to this and have him comment. Witness, please read this matter before you and tell us, whether from this diary entry, would follow that Dr. Pletner, as maintained by the prosecution, continued Rascher's work?

A From this we can see clearly that Dr. Pletner did not continue the experiments on human beings. On the basis of this remark, I could develop a comprehensive picture, however, I do not have the time at my disposal.

Q Please do so.

A In a very dramatic way.....

THE PRESIDENT: This is not necessary.

THE WITNESS: Unfortunately, I am not in the position to do so.

THE PRESIDENT: Does the witness have the Document Book ? Why doesn't he read it ?

THE WITNESS: Yes, I shall read it.

Dr. Pletner worked with the Polygal Pruefung and that was the coagulating agent.

DR. PELCKMANN: Please give your comments later.

THE WITNESS: The continuance of the work of Polygal Pruefung and reports that the production of this coagulating agent had been secured for three months, that is, reports on the production. The first reports were to Schlachter and through Schlachter arrangements were to be made for the purchase of machines.

DR. PELCKMANN: Does it mean that Dr. Ploetner was brought

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into the administration and business matters of the production of Polygal Pruefung, the name of the coagulating agent?

THE WITNESS: You want a picture of the work Dr. Ploetner "Eingewiesen" brought in ?

DR. PELCKMANN: Yes.

THE WITNESS: Dr. Rascher had started with the development of Polygal Pruefung, however, this experiment did not come up to expectations and did not come up to expectations and did not meet the demands.

THE PRESIDENT: Dr. Pelckmann, your question was, "Does this inquiry show that Dr. Ploetner did not continue the experiments of Dr. Rascher?"

DR. PELCKMANN: Your Lordship, the question was not just that, according to my memory. I wanted to know something quite different from the witness. May I please clarify this point after the witness has read these remarks and his memory has been refreshed?

THE PRESIDENT: It is my recollection and the recollection of the other members of the Tribunal that the question that the question you put was: "Does not the entry in your diary show that Dr. Ploetner did not carry on the work of Dr. Rascher?" That is the questionwhich you put. We want the answer to it and no other.

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DR. PELCKMANN: Then, I did not express myself correctly, your Lordship. I wanted to know if after you read this entry, your memory was refreshed as to the happenings at the time?

THE WITNESS: Yes.

DR. PELCKMANN: Please describe them.

THE PRESIDENT: In the first place you realize, or you should realize, that the object of re-examination is to make clear or to contradict anything which has been put in cross-examination, and that is the only purpose of re-examination. In the second place, the Tribunal does not assume from the fact that the witness has been cross-examined to show that certain brutal and illegal experiments were made by this institution, that the institution did nothing else and we do not propose to sit here for a prolonged time to hear everything else that this institution did. The only object of your redirect examination should be to contradict the fact that illegal experiments were made, or to clear up any doubts which might arise on those illegal experiments, not to show us that they did other things.

BY DR. PELCKMANN:

Q Witness, after Rasher's arrest, according to your knowledge, were these further inhuman experiments carried on?

A No.

Q Nothing?

A No. Dr. Ploetner, as I have already testified, expressly refused to do that.

Q After this period of time, had you heard of, or did you know of other inhuman experiments?

A In connection with the Institute of Scientific Research for War Purposes, into which I had insight, no.

Q You are saying now that you had insight into the scientific research for war purposes work. What personalities of the SS had insight into these experiments?

A Only those who had been charged therewith by Himmler, charged by Himmler personally, and there were very few people.

Q About how many might there have been? Five or ten don't matter,

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really, you know.

A I will give you a high estimate, ten to twenty.

Q Did these directives have the protection of Secrecy or Top Secrecy for one part by the Geheime Reichsach?

A Yes, both of these had Geheime Kommandosache.

Q Therefore, from your own experience and knowledge, can you tell us whether you would consider it possible that the mass of the SS membership knew about these matters?

A It is quite impossible that they knew about these matters or could have known about them.

Q Do you recall that Freiherr von Eberstein, when he learned of these experiments carried on by Rasher, was quite indignant and horrified at the fact that anything like that could happen. Do you recallanything like that personally?

A Yes, for I had to report personally to him on this matter. Hewas extraordinarily wrought up at this conversation and mentioned things which he had learned in connection with the arrest of Rasher, matters which upset him very, very deeply and in his excitement he began to accuse ma and he was quite surprised that Himmler had the closest personal connection to Rasher direct and that all directives had gone directly from Himmler himself.

Q That is quite sufficient. Thank you very much.

THE PRESIDENT: Now, can you conclude the observation you want to make in five minutes?

THE WITNESS: I do not need any longer than that.

THE PRESIDENT: Very well, go on then.

THE WITNESS: In the cross-examination I was accused of the fact that I personally had no misgivings whatsoever regarding these experiments on human beings. However, I must contradict this most energetically. The conflict of my conscience was extremely large and was not appeased. In the beginning, because of assurance which I had received from Himmler, therefore I spoke with the leader of my secret branch, with the result that a further refusal would have cost me my head. An open demonstrationwas the only thing that was left. And secondly, the people who were sent there would not have

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been protected in any way, nor they could not have been saved. This work would have been carried through one way or another in any event.

But I did do something, secretly, which no other person would have done, would not have dared. Wherever possible, through silent sabotage, I prevented those things which possibly could be prevented. My repeated efforts on the basis of my secret data, remarks and reports, which are present to the amount of hundreds of pages, as Dr. Pelckmann has shown, wasnot in vain. Even now, time does not permit me to give a further and comprehensive picture of the action and to give the background. I personally refused and rejected these experiments. I did not permit them. I played the role as a man at a University does, who quite in a like manner had to assist everyone in the administrative and business affairs. Therefore, the question of my credibilit and of my personal attitude has to be touched only once more, just as the documents submitted show that I said in my interrogations before the Commission, as Dr. Pelckmann has just now once more stated. If my credibility is to be doubted because of my illegal activities, then the leader of the secret branch, Dr. Hilger, who is in Nurnberg, can be at your disposal. I thank you very much.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

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MR. ELWYN JONES: I have three brief documents to put in on the SS case. The first is the document 4043-PS, which I hand to the Polish delegation, to be GB-592. It sets out the names of the 846 Polish priests and monks and the Polish clergy murdered at Dachau concentration camps.

THE PRESIDENT: Is that a state report?

MR. ELWYN JONES: An affidavit by a Polish priest, attaching the names of the priests to his statements, the names appearing in a Polish publication, a Polish newspaper, Polska Prodena.

I see that it is a statement of the undersigned Roman Catholic priest, giving the following statement. I am wrong in saying that it is a statement on oath; but it does attach a list of the priests which was published in the Catholic weekly, Polska Prodena. If the Tribunal is uneasy about the document, I shan't press it. I am asked by the Polish delegation to submit it.

If your Lordship pleases, the document Number 007, which will be GB-492, in place of the last document, is an order from Himmler to the Higher SS and Police Chief, Ukraine, Kiev, dated the 7th of September, 1943. It reads:

"Dear Frutzmann, Infantry general stapf has special orders with regard to the Donetz area. Get in touch with him immediately. I order you to cooperate as much as you can. The aim to be achieved is that when areas in the Ukraine are evacuated, not a human being, not a single head of cattle, not a hundredweight of cereals and not a railway line remain behind; that not a house remains standing; not a mine is available which is not destroyed for years to come, that there is not a well which is not poisoned. The enemy must really find completely burnt and destroyed land. Discuss these things with Stampf straight away and do your absolute best. Heil Hitler, Yours, Himmler."

There is a note attached to it: "SS-Obergruppenfuehrer Berger has received the copy with the request that the Reich Minister for the East be informed." There are copies to the Chief of the Regular Police, Chief of the Security Police and SD, SS Obergruppenfuehrer Berger, Chief of the Partisan-combatting units, copies sent with a request that they be noted.

Finally, the document Number 022 refers to instructions of Himmler.

THE PRESIDENT: Who was the Reich Minister at the time?

MR. ELWYN JONES: As I understand it, My Lord, it was Rosenberg.

Then, finally, thereis a document Number 022, which will be GB-593, That is an instruction of Himmler dated the 10th of July, 1943, to the chief of units for combatting partisans, the higher SS and police chiefs in the Ukraine, higher SS and police chiefs in Russia, Central Sector.

The first paragraph: "The Fuehrer has decided that the whole population has to be evacuated from partisan-ridden territories of the northern Ukraine and of the Central Russian sector."

"2. The whole male population fit for work will be directed to the Reich Commissar for the employment of labor according to regulations which are yet to be laid down but under the condition of PW's.

#3. The female population will be directed to the Reich Commissar for the Employment of Labor for work in the Reich.

"4. Part of the female population and all children who have no parents will be sent to our reception centers.

"5. The evacuated territories are to be taken over and run by the Higher SS and Police Chiefs, as much as possible in accordance with an arrangement still to be made with the Reich Minister of Food and with the Minister for the Occupied Eastern Territories. They are to be planted partly with Kok-Sagys and as far as possible agricultural use is to be made of them. The camps forchildren are to be established on the edge of these territories in order that the children may be available as labor for the cultivation of Kok-Sagys and for agriculture.

"Final proposals are to be submitted to me as soon as possible.' (Signed) H. Himmler."

There are the names of Berger and Backe below.

DR. FELCKMANN: Just one minute.

THE PRESIDENT: Yes, Dr. Felckmann.

DR. FELCKMANN: May I put a formal question relating to this? Are the documents put to the witness?

THE PRESIDENT: The Tribunal has some questions to put to the witness.

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DR. PELCKMANN: If these documents are not put to the witness, then I should like to object to their being used for the old reason which I have already given, that in the submission of evidence the Prosecution is terminated.

THE PRESIDENT: The Tribunal has already ruled that new documents may be put in in this way.

DR. LATERNSER: Mr. President, I beg to be permitted to put one question to this witness in order to clear up the name which he has used.

Witness, you have mentioned the Institute for Experiment. Is that the entire name of that institute? Will you give the entire and complete name?

THE WITNESS: The institute for the purpose of making experiments of a military nature, run by the Waffen SS and the police.

BY THE TRIBUNAL (Mr. Biddle):

Q Witness, you said that the Luftwaffe contacted Himmler for getting inmates from the concentration camps. Who in the Luftwaffe made that contact?

A I didn't say that by Himmler's orders the Air Force was attacking concentration camps, no.

Q Wait, listen to the question. I didn't suggest that you said that. I said that you said that someone in the Luftwaffe had made a contact with Himmler in order to get inmates from the concentration camps. Did you say that?

A No, I didn't say that either. Yes, Dr. Grawitz, the Reich Medical Chief officer of the SS, informed me that the Air Force, though I don't know which department of it, had applied for the seaworthiness experiments to be carried out and that they had with reason applied for these at their disposal.

Q You mentioned the name of General Milch in your testimony. What connection, if any, did General Milch have with any of these experiments?

A Purely with the highest experiments which have been dealt with here and also the experiments which in 1941 were started and carried out by medical officers of the Air Force, that is to say, Professor Holzloemner, staff medical officer for Russia, Professor Hascher, and a third one who

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was working for the Aeronautical Experiment Institute at Adelshof but his name I have forgotten.

Q And what connection did General Milch have with these experimants? Did he make the arrangements for them?

A That becomes apparent from the exchange of letters between Milch and Obergruppenfuehrer Wolff which has been shown me here on the occasion of previous interrogation.

Q You then have no other knowledge about General Milch except from the correspondence that's been submitted.

A No, I know nothing further.

Q In how many camps besides Dachau were there experiment stations or stations for biological research?

A That I cannot say because I only dealt with the work of Russia and that's all I know and nothing else, that is to say, such experiments which came into the sphere of influence of theReich Medical Officer-SS and nothing could be ascertained about that.

Q One last question. You said that after thearrest of Dr. Rascher that there were no more illegal experiments that were connected with the Institute. Do you know of any others that were not connected with the Institute?

A That refers to the previous question. It is intimately connected with it. One did hear, for instance, of the work of Professor Schilling; but they never became known to me in detail.

THE PRESIDENT: The witness may retire.

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LT. COMMANDER HARRIS: May it please the Tribunal, during the examination of the witness, Dr. --

THE PRESIDENT: You are not wanting me to keep the witness, are you?

LT. COMMANDER HARRIS: No, sir. During the examination of the witness, Dr. Best, the Tribunal kindly agreed to permit the Prosecution to introduce another document, which at that time wasnot available, and with the permission of the Tribunal at this time I should like to offer it. The document is 4051 PS and becomes USA 924. This document has been shown to the witness Best in the presence of the counsel for the Gestapo, Dr. Merkel, and the witness has identified it. The document shows not only that the witness Best had knowledge of the program of counter-terror carried on in Denmark, but that he himself decreed acts of counter-terrorism to be taken, and that on one occasion he ordered the execution of a student.

During the examination of Dr. Best the Tribunal will recall a series of documents, USA Exhibits 911 to 915 inclusive, which were offered to show th the Gestapo murdered a French general. At that time we had only the photosta copies of these documents, and I told the Tribunal that we would try to obtain the originals. We now have the originals in our possession, and they are bei substituted for the photostatic copies.

I also asked the witness Best at that time if he knew that at about the time that this alleged murder was supposed to have taken place, that a French General, General Mesny, was killed, and he said he did not know that. The French Prosecution has given us the documentary proof that General Mesny was killed at that time under circumstances which prove conclusively that this murderwas accomplished in conformity with the plans which have heretofore been shown, and to that end I now offer as document next in order 4069 PS, which becomes USA 925. This document is certified by the delegation of the Ministry of Justice of France.

I would ask the Tribunal to turn to Page 2, which is a letter from the International Red Cross Committee, Geneva, dated 5 April, 1945, to Madame Mesny. I wish to emphasize the fact that this document is dated long before the present time and waswritten at a time when the other documents which the Tribunal has the benefit of were, of course, entirely unknwon.

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This letterstates that Monsieur Denzler, attache at the Swiss Legation in Berlin, had sent certain information concerning General Mesny, and I should just like to respectfully invite your attention to the second paragraph of his report, where he states that the Generals Flavigny, de Boisse, and Buisson had been transferred from Oflag IV B in Koenigstein to Oflag IV C in Colditz. "The Generals Mesny and Vauthier have also left Koenigsten in a private car for Colditz. According to a communication from Commandant Prawill, General Mesny was shot near Dresden while trying to escape." That was the report which the International Red Cross sent to Madam Mesny.

But I particularly desire to invite the attention of the Tribunal to the second document, which is dated 29 April, 1945, and which was written by General Buisson to the Minister of War concerning the case of General Mesny. General Buisson states in this letter as follows:

"On 18 January 1945 --" and parenthetically I refresh the recollection of the Tribunal that the last document which we offered was dated 12 January 1945 showing that at that time all plans for this murder had been completed. To continue with the document -- "the following six officers, all generals, from the campof Koenigstein, Oflag IV B, were picked out and told to leave the Camp on 19 January in the morning, for an unknown destination. First car, Generals Daine and de Boisse."

Now, parenthetically again, if the Tribunal will recall, General de Boisse was the general whom it was first intended to murder, as shown by the document, and if you remember, it was decided that General de Boisse would not be killed because his name had been discussed too often over the telephone, and therefore another general was to be substituted for him. So you see Generalde Boisse was in the first car.

"Second car, Generals Flavigny and Buisson. Third car, Generals Mesny and Vauthier. On 19 January, if the first car left at the appointed time, the other two did not, as both their order of departure and the times were changed. Second car, 7 a.m. General Mesny alone, for according to information given General Buisson through the German interpreter Rosenberg, an order had arrived from the German High Command during the night, cancelling General Vauthier's departure. Third car, Generals Flavigny and Buisson. The

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orders for the journey were draconian, destination unknown; it was strictly forbidden to make any stop on the way; the door handles were taken off the cars; there was a German officer in each car with an automatic pistol on his knees and his finger on the trigger.

"Upon our arrival in Colditz, the reprisal camp, towards noon on 19th January, we noticed the absence of General Mesny, who had not arrived; we thought he had been sent to another camp, although his luggage was in the truck with that of the four other generals. On January 29th, in the morning, Commandant Prawitt, head of Oflag IV-C came into the rooms of the French Generals and made the following announcement: 'I inform you officially that General Mesny was shot yesterday in Dresden while trying to escape. He was buried in Dresden with military honors by a detachment of the Wehrmacht.'"

And then, if it please the Tribunal, General Buisson goes on with this comment, and it should be remembered that when he wrote this letter he, of course, had no knowledge of the plot as we know it today. He says, "Two facts remain obscure in the sombre tragedy: 1, the transport of General Mesny alone, the choice of General Vauthier; then the cancelling of the order seemed very suspicious to us, given the attitude of the general, who was a volunteer for work in Germany, and whose transfer to a reprisal camp seemed inexplicable. 2, General Mesny, whose eldest son is in a camp for political deportees in Germany, said to me several times during the course of our conversations, 'If up to 1944 I always tried to prepare my escape, I gave up trying altogether afterwards, even if I had every chance of succeeding. First of all, the end of the war is only a question of weeks; moreover, and especially, I should be much too afraid that my flight would cost my eldest son his life.' An hour before his departure from Koenigstein on January 19th, General Mesny repeated those words to me again."

THE PRESIDENT: Dr. Laternser.

SIR DAVID MAXWELL-FYFE: My Lord, I wonder if Your Lordship will allow me to mention a point before Dr. Laternser commences. As a result of the general evidence given before the Commission and the announcement that a number of summarizing affidavits will be tendered by certain organizations, the Prosecution have secured eleven affidavits of general scope made by state

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ministers, local counsellors and officials, and a publisher of a newspaper, dealing with the same matter as the summarized affidavits which the defense are about to submit. That could, of course, be put in cross examination to the witness for the SA who would be called, but I suggest for the consideration of the Tribunal that at this stage of the trial it would probably be more convenient if they were simply offered after the counsel for the organization have dealt with their documents.

If that course commended itself to the Tribunal, I should give German copies to the counsel for the defense at once so that they would have an opportunity of considering them. Otherwise, of course, I should reserve them to be put in cross examination and preserve the element of surprise.

My Lord, it is in the hands of the Tribunal, but it seemed to me that that was the more convenient course than occupying more time in cross examination at this stage when so many facts are known.

DR. LATERNSER (Counsel for the General Staff and the OKW): Mr president, I did not understand Sir David's suggestion, and I beg to have it repeated so that , if possible, the Defense Counsel can define their attitude in regard to it.

THE PRESIDENT: Will you put it again?

SIR DAVID MAXWELL FYFFE: My Lord, I have eleven affidavits which were ta from various Gentlemen, including ex-state ministers of the Social Democratic Party and other non-Nazi parties, local officials, and one publisher of a new paper. They are designed to deal generally with the matters which have been given before the Commission and which are going to be dealt with, as I understand, in the summarized affidavits, the affidavits summarizing the large quantity of affidavits.

I suggested for the consideration of the Tribunal that, instead of taking time in putting the contents of these affidavits to the witnesses for the SA, witness Juetner and others who would probably deal with most of the points, I should offer them after the Defense Counsel have offered their documents, in order that the Defense Counsel would not be predudiced in any way, I sugge that, if that course were adopted, I should give them copies of these affidav in German at once so that they would have an opportunity of seeing the conten

The object is to keep the documents together and also, I hope, to save ti at this stage of the trial in cross examination.

I hope, My Lord, that is clear.

THE PRESIDENT: That seems to the Tribunal to be a convenient course and to give the German Defense Counsel a longer period in which to study the affi vits.

SIR DAVID MAXWELL FYFFE: I will do that, My Lord.

THE PRESIDENT: Yes. Now, Dr. Laternser.

DR. LATERNSER: With the permission of the Tribunal, I shall call as my f witness Field Marshal von Brauchitsch.

GENERAL TAYLOR: Might I make a brief observation before the witness come.

THE PRESIDENT: Marshal, keep the witness out for a moment.

GENERAL TAYLOR: My Lord, I wanted to make a very brief observation conce ing the scope of the testimony of the witness von Brauchitsch.

The other two witnesses that Dr. Laternser is calling--Fieldmarshal von

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Manhstein and Runstedt--were called in the first instance by Dr. Laternser and have testified before the Commissioner on practically every question relating to the General Staff and the High Command. That will appear from the summaries of their evidence which, I think, are in the hands of the Court.

The case of the witness von Brauchitsch is somewhat different. The witness von Brauchitsch signed two affidavits which the Prosecution offered and which ar in the record before the Tribuanl as US Exhibits 532 and 535. Those affidavits relate exclusively to the question of the composition and organization of the General Staff and High Command group.

Before the Commissioner the witness von Brauchitsch was cross examined by Dr. Laternser only within the scope of those affidavits. No other matters were touched upon before the Commissioner. I now understand that Dr. Laternser proposes to examine the witness von Brauchitsch before the Tribunal on a great varie or at least, several other matters other than those covered in the affidavits.

The Prosecution merely wishes to point out that to the extent that the witne von Brauchitsch covers other matters other than those in the affidavits, he beco a witness for the Defense and the Prosecution may possibly, though not necessari have to cross examine him on those distinct matters.

We also wish to respectfully suggest that unless the witness von Brauchitsch is going to talk about matters other than those that Mannstein and Runstedt have covered at length, it would be entirely fair and expeditious to confine the test imony of von Brauchitsch to the matters of the affidavits, unless, as I say, it is proposed that von Brauchitsch discuss matters which Runstedt and Mannstein ar not going to cover.

THE PRESIDENT: Dr. Laternser, the Tribunal wishes you to go on and examine Fieldmarshal von Brauchitsch. They hope that insofar as his evidence covers the same ground as the other two witness that you are proposing to call, you will be as short as possible.

DR. LATERNSER: In that case, I shall now call Fieldmarshal von Brauchitsch as my first witness.

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SALTER VON BRAUCHITSCH took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name, please? Can you hear now?

A Now I can hear. Walter von Brauchitsch.

Q Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. LATERNSER:

Q Fieldmarshal, what rank and position did you occupy at the end?

A Supreme Commander of the Army.

Q During what period were you Supreme Commander of the Army?

A 1938 to 1941.

Q On 4 February 1938 you became the successor to Colonel General von Fritsch in the position of Supreme Commander of the Army. When you took over the office, did Fritsch inform you about the statements of intentions made by Hitler on 5 November 1937?

A No.

Q Did Hitler, by any chance, inform you about his intentions?

A No.

Q Or did Colonel General Beck, who was then the Chief of the General Staff of the Army, inform you about it?

A No, he did not either.

Q If such plans were in existence, your being informed on the occasion of taking over that position of Supreme Commander of the Armed Forces would have been necessary, would it not?

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A In my view, most certainly.

Q When did you learn of the contents of that conference of 5 November 1937?

A Only here in Nurnberg.

Q Did you, as the Supreme Commander of the Army, get a hearing from Hitler before the occupation of Austria?

A No.

Q Did a plan exist for the military intervention against Austria?

A No; at least I do not know of one.

Q Was that interference a surprise to you?

A As far as I was concerned, it was a total surprise. It is not correct, as the witness Gisevius said, that I was called away. The fact is that I was not in Berlin at all. I was on a duty journey and away from there. It was only after my return that I heard of the instructions which had been given.

Q Were you not objecting to it?

A I was afraid of the struggle of brothers, and I was also afraid that from this interference further conflict would arise.

Q Did not Papen in the Reichchancellory on 11 March 1938 meet you and congratulate you after the order for the march into Austria had been rescinded in the course of the 11 March?

A The withdrawal of the march into Austria was most appreciated by me. I was in the Reichchancellory, and it is quite possible that Papen may have congratulated me on that occasion.

Q Before the occupation of the Sudetenland, were you ever heard in political affairs?

A No, never.

Q Well, then, was there a plan for a military interference in that case?

A You mean Austria?

Q No, I mean before the occupation of the Sudetenland.

A No, there was not one there either.

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Q But did you not, before the end of the Sudeten occupation, request Fieldmarshal Keitel to use his entire influence in order that in no case should the agreement be infringed?

A That is correct.

Q The witness Gisevius has testified here that Colonel General Beck had since May 1938, no longer handled the business of the people of the general staff. Is that correct?

A That is an error. General Beck, until the first of September 1938, handled the business of the General Staff in its entirety.

Q Colonel General Beck had written a memorandum which has been dealt with in this courtroom, and to which I shall not refer for that reason. In that memorandum, he spoke against the occupation of the Sudetenland. He warned against a war at two fronts. What did you do with that memorandum?

A I had very serious qualms regarding a policy supported by military measures. General Beck had composed a memorandum in which we reached the military conclusion that a war on behalf of Europe would have to lead to a world conflict. Since I consider these kinds of thought perfectly basic, I took the opportunity to present them to the Commanding General. There was another reason why I ordered those generals to appear in Berlin -- the discussion of the internal questions of the Army. They agreed that memorandum was later to be given to Hitler. There was an excited argument about it.

Q When, approximately was that?

A That was at the end of June or during the second half of June, 1938.

Q On what occasion did Colonel General Adams get his discharge?

A In August, a conference at the Fuehrer's headquarters, a conference with the officers of the General Staff was ordered. During that conference Colonel General Adams, who was Group Commander at Wiesbaden at that time, expressed thoughts similar to those contained in the memorandum. That was the first thing which might have occasioned his release. However his release was not carried out until October of 1938, after a report given by General Adams. On that occasion Colonel Adams was expressing his views.

Q What military preparations did you order before Czechoslovakia was occupied?

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A As far as I was concerned, I gave no instructions at all. Hitler at that time had ordered that the troops stationed in the Army District, in the vicinity, should be especially prepared.

Q But a military plan for the occupation of Czechoslovakia existed, did it not?

A No. A plan did not exist. It was just what Hitler ordered later was going to be the practice.

Q But then gradually the situation came to a head. Did you in 1939 warn Hitler against the war?

A From the instructions given in connection with the Polish problem, I had very serious worries against Hitler, and against the German Nation's will I thought we might glide into a war. For that reason in July, 1939, during report which I made to Hitler, I once again pointed to that memorandum. Furthermore, I went down to express that all the gains gotten by peaceful means were being gambled or might be gambled away by Hitler. Hitler would not allow any discussion as it was his habit to do, but he merely replied to me that that was an affair for political leaders which was not any of my business.

Q Did you not, at that time, have a discussion with Lutzee, who was the Chief of Staff of the SA?

A I have talked to the Chief of Staff of the SA, and during that talk I mentioned the same objections which I have just toldyou about, and therefore, need not repeat them.

Q Fieldmarshal, did you during that period get in touch with the office the foreign office?

A No, because it was prohibited to the foreign office to inform the supreme command of the Army in any way.

Q What about the other leading political forces?

A No, no contact.

Q That conference on the 23 of May 1939, is of particularly great importance. Did you, at that time, gain the impression that the war was decided upon?

A No. There are a number of clear impressions and maintained it that there were no intentions of the war. May I point out to you that since the

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autumn of 1939, negotiations were in progress with Poland in order to clear up the questions which were pending. Hitler had spoken before the Reichstag about that problem. On occasion he expressed the views that there was the sole question that required clearing up. In previous speeches he had express the view that the building up of the armed forces was only carried out in order to protect their own homeland. At the end of December'38, or during the first days of January, 1939, he gave the following order. It was received by the Supreme Commander of the Army. Until 1945 the Army will carry out the propos. building up program. Any preparation for a march of plan of aggression was prohibited. At the meeting of the 23 of May, 1939, Hitler said literally, "I should have to be an idiot if for the reason of Poland I would glide into a war like those incapable people of 1914. I went down to order that re-armament during the period which had been planned, that is, the years of 1942 and 1943 should continue. That, as far as I was concerned, was subsequent to an order which I had received at the beginning of the year. Finally, he ordered that commissions were to be appointed in order to investigate all the other problems which had been touched upon. All the accumulation of fact was, as far as I was concerned the clearest proof. In the case of Poland, there was once again, merely a policy supported by military measures.

Q Did you during that conference on the 23 of May, of which you have just spoken, pronounce any objections of any kind?

A That was not a conference. It was an address, a speech of the Fuehr to his subordinates. A discussion about it did not take place at all.

Q I am now asking you whether during the conference of the23 of May, h you voiced any objections of any kind?

A Just what I told you.

Q Until May, 1939, had there been any plan worked out for the aggressi Poland?

A No. Never.

Q Did you, on the 22nd of August, 1939, still hope that a war might not happen?

A The response which I have already mentioned to you existed unchanged. To this you have to add the facts that the trade agreement signed with the Sovi

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Union, in my view would infant Poland in this way: That they would agree to negotiations. I add to that this further: That the isolationists which Hitler mentioned would also lead to negotiations. The decisive point was that Hitler was that the negotations with Poland would continue.

Q What was the purpose of that speech all together, that speech of the 22 of August, the way you saw it?

A In my view, that conference was first of all the outcome of objections raised by me before Hitler. Secondly, it was in my view, Hitler's intention that the competence of the leaders who had been ordered there in the policy which hewas pursuing had beenstrengthened, that they should be completely convinced of the logic of his intentions.

THE PRESIDENT: We will adjourn.

(The Court recessed uhtil 1400 hours.)

AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours, 9 August1946)

THE MARSHAL: May it please the Tribunal, the defendant Hess is absent.

WALTER VON BROUCHITSCH--Resumed
DIRECT EXAMINATION ---- Continued

BY DR. LATERNSER (Counsel for the OKW and the General Staff)

Q. Field Marshal, this morning we had reached the period of tension just before the outbreak of the war. On August 25, 1938, the frist order for marching was drawn. In those days, did Hitler give you any report to the effect that negotiations would continue ?

A. He personally gave me the order for the rescinding of the order to march in. and on that occasion he told me that negotiations with Poland were still in progress.

Q. In contrast to the previsou occupying of foreign areas, all preparations before the Polish campaign had been drawn up with a serious idea in mind. Did the result lead you to believe that actually there would be a war then ?

zA. No, for the following reasons : As to the Sudeten crisis, Hitler had heard from the various military leaders that military preparations had not been taken seriously by them, for the preparations in their scope were not commensurate with the seriousness of the task at hand. Of course, it is a matter of course that if in political negotiations you wish to threaten with military might and means of might, there must be the absolute impression of seriousness so far as the negotiations are concerned and your own people are concerned.

For this very reason, in the case of Poland Hitler, with all emphasis, had pressed for preparations with the idea that they were to be considered and taken seriously.

A second point, however, was to be added. On Hitler's order, a time schedule had been set up in which the various periods of time, the various

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phases, were set down exactly. Only on his express order could a new phase be gone into, and from this also I could see that he wanted to accommodate matters to political procedures.

Q. At the beginning of the Polish campaign did you know that an agreement with the Soviet Union had been reached, setting up a line of demarcation ?

A. No, I had no idea of that at all.

Q. After the conclusion of the hostile action, had you provided for military administration in Poland ? Why didn't this take place ?

A. The high command of the army had made preparations and directions to this effect, that as soon as possible, the appeasement of the occupied areas be brought about. At the beginning of October, I learned about excesses against the Poles, carried out by personalities who were not under the jurisdiction of the Army. I reported these matters to the OKW and took the next occasion to tell Hitler personally and report to him on these matters personally. I asked him to see to it that matters like that be prevented once and for all. Hitler did not take any notice of this suggestion of mine.

Frank originally had been provided as a civil commissioner to be under the military commander in chief of Poland, and in the second half of October he was charged with the entire sphere of the administration. The army relinquished this authority.

Q. As to the campaign against Poland, didn't tensions arise between the OKW and Hitler, and if so, what were the reasons ?

A. There were constant conflicts with the leadership of the Party, and they referred to the most varied points of origin. It would take me too far afield to enumerate all of them, but I should like to stress just two points.

Point 1 applied to the influence of the clergymen which I wanted to be retained in the Army under all circumstances, and the second point applied to the influence which the leadership of the Party demanded on complaints. The third point was the decree given and the foreign women problem, which matter I answered in the form of a decree given to the Army.

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Q. Now I should like to put a few questions relating to the time before the western offensive.

In connection with the Polish campaign, did the OKH provide for an offensive against the western powers ?

A. In no way was an offensive like that planned. On the basis of the order which I just mentioned previously , all preparations had been prohibited and thereupon, as far as offensive measures were concerned, no special measures had been taken in advance. All directives and all directions which were issued after the Polish campaign, applying to the troops which were being sent to the West, were purely of a defensive nature.

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Q. From whom did the plan to attack emanate? Who issued it?

A. On the 27th of September, 39, Hitler made his decision to attack in the West, and he announced it publicly. He demanded that the necessary preparations be made, which would have to be concluded by the 12th of November.

Q. What position did you and the OKH take with reference to this plan?

A. England and France had declared war on Germany. Both powers had not taken advantage of the greatest moment of weakness on the part of Germany in September. Therefore, it was questionable to me now, at a time when the Western Front was being strengthened, whether they would assemble for a winter offensive; and beyond that, I personally was in doubt whether these two powers seriously desired to wage war. I believed that in view of the reception which Chamberlain had in London after the Munich Agreement, and Daladier in Paris, the receptions which both of them had met with in their home cities, there would be no inclination toward a war at all.

I believed that the breaches of neutrality which had been undertaken on the part of the Allies up until that time would, in the eyes of the world, not weigh so heavily on the balance. Since the year 1914 I fully appreciated the violations of neutrality, and this was a recollection which had been seared into my consciousness. In my opinion, this would apply in this case to the one that would be the first to cross the border. We had looked into the question very acrefully in theOKH of whether the crossing of the border for reasons of ground operations would be necessary as the first step. We had reached the conviction that this did not apply and was not the case, but that we, if it was necessary at all, could take the second part.

Q. Did you call Hitler's attention to the fact that in the event of an offensive in the West, the countries of Holland, Belgium and Luxembourg would be drawn into hostile activities?

A. I took the very next opportunity at which I could talk with Hitler alone after the 27th of September, 1939. I used this opportunity to tell him my opinion. However, he was not open to any discussion, and remained steadfast in his well-known opinion.

Q. Did you try to prevent the western offensive from being carried throu

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A. Before as well as afterwards, I was convinced that it would have to be possible to eliminate this entire war for once and all politically, and not deal with it. It considered it madness that Europe once more would have to torture herself and tear herself to pieces instead of working together with a common task and by peaceful means to promote development.

The Wehrmacht, according to the principle of "Sine Pace Semper Bellum", was in line with this. The German soldiers of every rank had been trained with the thought of defending their homeland and protecting their country. They did not think about wars of agression or conquest, or the expansion of German domination over other peoples.

It was quite clear to me that the entire question could be cleared up only in a political manner, if the sincere will to do it that way existed. Any and all political developments, of course, need time; and I was only concerned with providing this time for these political negotiations, matters upon which I had no influence, however. I asked on the 5th of November, 1939, to be granted an audience with the Fuehrer. I knew that I would be able to use only purely political reasons, and I did this with the consent of the army.

Hitler listened to my statements quietly. Then he flew into a rage, so that any further conversation was quite impossible. So I left. On the evening of the same day, the order was issued to attack on the 12th of November, and the order of the 7th of November was rescinded.

Q. Did you not even use the alibi of poor weather in order to gain time and to postpone matters?

A. I pointed out the fact that if we were to march in at all, on account of the difficult terrain, only if we had an extended period of good weather would this beepossible. But above all the use of the Luftwaffe was dependent on a long period of good weather.

Q. And after the address of Hitler to the generals on the 23rd of November, 1939, which has been discussed here quite frequently, how did you offer your resignation? How did that come about?

A. On the 23rd of November, in the evening, one more, I was ordered

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to appear before the Fuehrer. In a lengthy discussion with him alone, he once more raised all the accusations against the army. In the course of this conversation, I offered to resign, which offer he rejected by saying that I was to do my duty just like every other soldier. Through these incidents a breach had occurred which had to be glossed over painstakingly, but which was never completely mended.

Q. To what extent, in your capacity as commander-in-chief of the army, did you participate in the plan to occupy Norwar and Denmark?

A. I was in no way connected with it.

Q. Did you participate in the preparation and carrying through of this?

A. No.

Q. Then the campaign in the West started. At that time, what was your relationship with Hitler?

A. As I have already mentioned before, if was difficult. In the course of the campaign in the West, this was a series of smaller and larger differences. I should like to cite but one. This concerned the stopping of the German Panzers before Dunkirk. This was a matter which brough about a serious conflict. It was a result of that that the mass of English personnel of the British Expeditionary Force escaped to England across the Channel.

Q. On the part of the OKH, after the conclusion of the campaign in the West, were measures for demobilization worked on, or were they suggested?

A. At that time, two measures were taken. A commission for demobilization was established, and secondly a number of generals were asked whether they wished to remain in the army after the conclusion of the peace.

Q. And what was your collaboration in the decision to intervene in Greece and Yugoslavia?

A. I did not participate in any way in these decisions. When, with the chief of the General Staff, General Halder, I was ordered by the Fuehrer to appear before him, he received us with the words, "I have decided to destroy Yugoslavia". And then he cited the reasons for his decision. I believe they are well know already.

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Q. At that time, was there a plan for any interference in Yugoslavia or Greece?

A. No, neither a plan nor any preparation. We did not even have maps/

Q. And where were you to get these divisions from? From all parts of Germany?

A. The divisions had to be brought in from all parts of Germany and the Occupied Countries.

H0201-0057

Q Is the assertion of Field Marshal von Paulus true that the occupation of the Balkans was one of the prerequisites of the campaign against the Soviet Union ?

A That is a mistake on the part of Field Marshal von Paulus. The Jugoslavian question was the direct consequence of the overthrow there. Before that time, just a little bit previous, Jugoslavia had joined the Tripartite Pact and it was the result of the English landing in Greece and the catastrophic position of the Italians in Albania.

Q Now, let us turn to the Eastern campaign. What was your attitude with reference to the Trade Agreement with the Soviet Union ?

A The Trade Agreement was concluded in September, 1939 with the Soviet Union and we had hailed it joyfully. In this step we saw the prerequisite to the fact that from now on a period of mistrust would be concluded, and that, above and beyond that, Germany would be able to take up once more the position of a bridge, since she was situated as she was in the heart of Europe.

Q Did any military leader suggest the thought of attacking the Soviet Union ?

A No, never.

Q When did Hitler tell you for the very first time that the possibility of war with the Soviet Union would be considered ?

A In August of 1940 he made a remark to me to the effect that he was worried, that the attitude of Russia might change. Thereupon, I talked with the chief of the General Staff and told him that we would have to get hold of the data involved, for in this connection we had not done anything up until that time.

Q Were there any maps in existence ?

A Neither maps nor anything else. In the month of September, Hitler ordered that the question of Russia would have to be investigated and looked into. In my opinion, no decision

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to be carried through was in existence; in any event, it was not expressed. All the work which was done was work for the General Staff and they were precautionary measures, measures which had to be taken everywhere in a case of that nature.

Q Did the transfer of the Soviet Divisions, after the conclusion of the Western campaign, have any connection with the Eastern campaign, and if so, what were the reasons for this transfer of divisions to the East ?

A The transfer of the divisions had been started sooner, and the reasons for it were quite different. The securing along the Russian-German demarcation line in Poland, in the main, was carried out by Zollgrenzschutz. Border incidents had been ascertained. The Zollgrenzschutz (Border Protection) was needed in other spots very urgently. The SS intended to take over the border work of the Zollgrenschutz and for that reason they wanted to set up new units, but that I wanted to prevent. For these reasons Hitler was requested to have these divisions transferred from the West to the East; and in addition to that, we wanted to relieve France of the burden of many divisions which were stationed in France.

Q Did the OKH, in the conference of the 4rd of February 1941, have any misgivings about a war with the Soviet Union?

DR. LATERNSER: I refer to document 1872-PS, USA-134, My Lord.

A According to the statement made by Hitler in the case of Russia, we were concerned with the fact that if a war was to arise at all, it was to be a preventive war. In the conference I limited myself to the purely military misgivings and doubts. Colonel General Halder and I reported on these matters. Point 1 was the size of the Russian area which today cannot be bridged. The second point was the population density, and with that the large number of reserves which were trained and at their disposal, and the point of view and culture of the Russian population as compared with the

H0201-0059

year 1418, matters about which I could check myself when I was a guest of the Red Army in the year 1931. Point 3 was the high arms potential on the part of Russia. According to our estimate, Russia at that time had at her command approximately 10,000 tanks, Panzers. Hitler must have given some thought to these problems, for he acted immediately and refuted the first two points; namely, bu saying that the position of the Soviets was very much in disfavor among the Russian population; that the system would collapse and everything would depend only on the decisiveness of the first successes. As far as the third point was concerned, the point of armament, he mentioned, on the basis of the figures that he always had at his command, which he kept in his head, that the armament of Russia could not be at the level which we imagined it to be. Exact prof, however, we did not have at our disposal.

Q Therefore, Hitler did not entertain or give any thought to the misgivings which you had?

A A further discussion he would not enter into.

Q When did you tell the commanders in chief under your command about the plans with regard to Russia?

A On the 18th of September, 1940, the OKH issued this order and subsequently, at the end of December, the first directive went to the Army groups.

Q What form and shape did your relationship with Hitler take at the beginning of the Russian campaign ?

A During the Russian campaign the difficulties increased more and more. From the wealth of the incidents that took place, I should like to pick out but two. The Army had, in the areas occupied by it, once more restored the churches for services to be used by the population as far as possible. The German clergymen had been active at the request of the population. However, Hitler prohibited all of this, and now the remarkable picture arose that the clergymen of the Roumanian, Hungarian and Italian divisions

H0201-0060

could attend services but the Germans couldn't . The second point was the question about the operational carrying on or conduct of the war. If you started a war, then the presupposition for the continuance of the war in the following year had to be set up, and in my opinion and that of the High Command, the area around Moscow--not the city itself--played a decisive role. It is a traffic center which is centralized there, and according to that, the presupposition for the setting up and distribution of reserves applied; there were numerous armament installations which made it possible to carry in armies. The OKH, therefore, was of the opinion that after the Dnieper-Smolensk line had been reached that then one would have to come into possession of the entire Moscow region. However, Hitler was of a different opinion. He put the decisive importance on Leningrad and that demanded the offensive at Kiev. A decision in this matter was taken by him and later, too late, the offensive in the Moscow region, because of weather conditions, was coming to be a failure.

Q Regarding the Eastern campaign, I should like to clear up certain matters of subordination. Do you know of an agreement between the General Quartermaster of the Army, General Wagner, and Heydrich concerning the use of the Einsatz groups?

A It was reported to me that a conference between General Wagner and the Chief of the SS Hauptamt, Heydrich, did take place. This conference was to regulate or settle those questions which were necessary in order that the youth, as decreed by Hitler, have commandoes in the operational area of the Army, to have those matters settled.

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It was reported to me that on this point we were concerned with the matter of crossing the boundaries with the questions of economic welfare and supply, and the right to traverse highways and streets. I know nothing further about this. Nothing else was reported to me, and whether anything else was directed I don't know, but the only thing that might have been of concern was that perhaps the question was discussed that if commandos of that nature would be sent into combat at the front lines, then they would be under the command of the military commander, and all directives for these commandos took place according to official channels from the Reichsfuehrer SS the Army Groups, and the request of the Army liaison commandos had been given them but they had only the task of informing these commandos about the purpose of the operation as far as it applied to them. In this decree of th O.K.W. it says, regarding the purpose and the task of these commandos : It is intended that the occupied territories, as soon as possible, will be made into political states and in order to prepare the meausres, these commandos are to be used. If there is anything else, I was not informed.

Q. Did General Wagner report to you that through these Einsatz Groups, many directives would be carried out ?

A. No.

Q. The witness SS Schellenberg was interrogated here, and he stated that he was of the conviction that the O.K.W. new of mass directives and had reported this to the commanders in chief through official channels.

A. He is speaking of a conviction, not of a certainty, and this conviction is not right.

Q. How was this matter ?

A. The subordination of the Einsatz Commandos as I have mentioned was set up in such a way that all orders emanated solely from the Reichsfuehrer SS. They were not subordinated to the Army in any way.

Q. How about supply ? Were they subordinated to the Army in that way ?

A. No, not even in that way. They were dependent to receive their suppli from the Army for there was no other way of supplying them.

Q. Do you know of official reports ? Did you receive them from these Einsatz Groups ?

H0201-0062

A. No.

Q. Now, the matter of the Waffen SS will have to be cleared up as well. Just what was the subordination or the responsibility of the Waffen SS to the Army ?

A. The Waffen SS was subordinated to the Army only for tactical purposes It was subordinated to the Army neither for discipline nor for judicial mat They had no influence whatsoever , the Army had no influence on demotions or promotions of people and so forth.

Q. To whom was the Waffen SS subordinate if it was outside of a tactical district ? That is , not a battle or operational area.

A. In any event, not the Army or O.K.W.

Q. And to whom was it subordinate in its home area ?

A. The Reichsfuehrer SS.

Q. Was the Waffen SS paid out of the budget of the Wehrmacht ?

A. Not from the budget of the Army.

Q. And the budget in the Luftwaffe would be less ?

A. Even as little as far as I am interested. The SS had its own budget it had its own armament office, clothing office, administrative office, etc.

Q. Between the Waffen SS division and the Wehrmacht there was only a tactical contact when this division was actually in combat ?

A. It was under the Army at the moment when it was used in the operations area, and in order to be transported off, it was put at the Army's disposal

Q. Would this presumption be true if I were to say that between a Waffen SS division and the Army, no close connection existed as if, for instance, an Italian or Spanish division would have been subordinate to the Army for an operational battle ?

A. That would have been similar.

Q. In general, what was the relationship of the leadership of the Waffen SS to that of the Army Luftwaffe or Navy ? Was that an enormous one ?

A. In a battle, yes, otherwise there was very little connection.

Q. Field Marshal, can you give us the circumstances under which Hitler issued the Commissar order ?

H0201-0063

A. In March, 1941, Hitler had ordered the military leaders, in a rather lengthy address, that these were the reasons for the attitude toward Russia and he stated that in this case it was a battle or a fight which was of an ideological nature and that we could not fight with such chivalrous methods which the Army was used to carrying through; that he knew that the office could not claim this opinion as their own, and that he was demanding the absolute carrying through of the orders he had issued. And in connection with this, he issued the order dealing with the treatment to be accorded the commissars.

Q. What did you do in order to prevent the carrying through of this order and to prevent excesses on the part of the troops in the East ?

A. After the conclusion of the conference after Hitler had left, some of the commanders-in-chief came to me and I remember particularly well that the commanders-in-chief of three Army Groups, von Rundstedt, von Bock, and von Leeb and another group of leaders came to me in a rather excited fashion over this matter said that the carrying out of this order would be impossible for them. I agreed with them and told them that as far as the OKH was concerned no order like that would be issued. I also told them that I would have to think things over as to what steps I would actually have to take. In the meantime, I had come to know Hitler so well, to know that once he had reached a decision and as, in this case, he had made it public, that is, he had told it to the military leadership immediately thereupon, I kenw that under no circumstances would he be dissuaded from this position for anything in the world. I knew also that I had to give my hand over to the Army and had to agree with them when they said that they did not want to follow th s order. For this reason I issued an order dealing with discipline.

Q. And what was the wording, the approximate wording of this order ?

A. It is not possible for me to give you the wording, however the content of the order, briefly, were as follows : Discipline in the Army was to be carried through along the lines and regulations as applied in the past, and this was to be strictly observed. The attitude toward the population was to remain correct in every way, and no excesses were to be punished.

H0201 - 0064

Q. Would an open refusal against Hilter be successful if you threatened to resign ?

A. As I have already said, no.

Q. Now, one more question dealing with the Eastern campaign. Did the German Army, in 1941, in its push through Russia, find considerable destruction which the Soviet Army had done itself when it retrested ?

A. The picture was quite as we expected it to be. From the time that applies to a century earlier, the lack of consideration in Russia for her own country was well known. There were numerous railroads which had been destroyed; other installations. It was mined in such a way that even though we worked for months they could hardly be used by us, and in the cities we met special commandos, Russians, who had the task, and who carri through the firing of the cities and the burning of them.
In Kiev and other cities we found mines which had been prepared by them. ti mines which caused us considerable damage.

Q. Before the entry of Italy into the war, or before the declaration of war on America, were you advised in advance ?

A. No. Both incidents I regretted to a large extent.

Q. Were military agreements with Japan known to you ?

A. I do not even know them today.

Q. The record dealing with the testimony of Gisevius is known to you through the fact that I gave them to you for your perusal. Do you know the witness Gisevius ?

A. In April 1946, I learned of the existence of Mr. Gisevius for the fir time from the papers. In the papers I read that he was to appear as a witn I would have read the particulars anyway because the name was kn own to me a Dr. Gisevius, in the 90's, was a personal physician of mine.

H0201-0065

Q. But the witness gave various and quite detailed statements about your person and especially to the effect that he talked with you about a general Putsch. What can you say about that ?

A. I believe that anyone who knows me but a little bit would laugh at the thought that I, together with a young person who is entirely strange to me, would speak about plans of a Putsch against thehead of the state. I can try to reconstruct the picture from the records and from these writings, I received the impression that this is a combination which is without any background and I believe that a man is involved here who believes that the entire earth is revolving about him alone.

Q. Gisevius further stated that the generals had enriched themselves. Is that ture ?

A. I don't quite know in which way.

Q. Did you yourself receive any donations ?

A. No.

Q. Fieldmarshal, you furnished two affidavits to the prosecution, USA Exhibit No. 1532 and affidavit No. 4, USA Exhibit 535; both of them with the date of the 7th of November 1945. At that time were you under arrest ?

A. Two American officers had asked me to tell them about the organization of the army and so forth.

Q. Fieldmarshal, I believe you misunderstood me. I asked you whether at t time that you deposed these affidavits whether you were under arrest ?

A. Please sir what was that -- please ?

Q. I asked you if at the time that you deposed the affidavits whether you were under arrest at the time ?

A. Since the 19th of October of the previous year, I have been in the prison at Nurnberg here under arrest.

Q. And about these affidavits, who set down these statements ?

A. They were drafted by two american officers.

Q. And who demanded who asked you for these statements ?

A. That, I don't know, the names weren't mentioned.

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Q. Were you told for what purpose these statements were to be put ?

A. No. On the basis of the conferences which took place prior to that, I assumed that they were to serve for the purpose of information dealing with organization and was to be used by experts.

Q. Did you make any alterations ?

A. I undertook to make a series of alterations but I can't tell you how many.

Q. These statements, that is, in your opinion, of course, could they be misunderstood ?

A. Even after I had made the changes, in my opinion, they were clear, in connection with the conversations that had taken place previously. They were a series of conversations in which I was told that we were not under oath as witnesses, a matter of which of course was of no consequence to me anyway but it was the purpose to inform about organization; the problems were discussed and looked at from different angles.

Q. In signing affidavit No. 2, which also contains a schedule or a draft, this might not be correct or might be misunderstood ?

A. I pointed to the fact that this chart might be misunderstood and I received answers that matters were entirely cleared up and that it wasn't very important in the first place.

Q. Affidavit No. 1, USA Exhibit No. 531 which Colonel General Halder signed on the same day, agrees word for word and completely with the exception of the last paragraph; you were interrogated commonly with Halder ?

A. Yes.

Q. You just mentioned a moment ago, in the signing of affidavit No. 2, y pointed to the fact that the chart was incorrect. Now, I shall have this chart presented to you and I should like to ask you just what is wrong in it ?

A. This chart may bring about misunderstandings.

THE PRESIDENT: Hadn't you better ask the witness -- if he is your witness -- whether there is anything wrong about the affidavit ?

H0201-0067

DR. LATERNSER: Mr. President, I beg your pardon, I didn't anderstand you for I was listening to the wrong channel.

THE PRESIDENT: Hadn't you better ask him whether there is anything wr in his affidavit ? He hadn't yet said there was anything wrong about that.

DR. LATERNSER: Mr. President, I shall turn to that presently, yes, in deed. In connection with this, first of all I wanted to ask the witness a-bout this draft and the further questions, of course, will follow.

THE WITNESS: This chart may be misinterpreted, especially in so far as the lines are concerned and if you wish to show the hierarchy through this chart then, in my opinion, all the staffs of the OKW and the various branches of the Wehrmacht do not belong in this chart.

THE PRESIDENT: The Tribunal would like to know now whether this witness is saying that there is anything wrong with/ this affidavit whether it is not ture.

DR. LATERNSER: Yes, Mr. President.

BY DR. LATERNSER:

Q. Fieldmarshal, in affidavit No. 2, you used the word "gruppe" four times. Is this expression ----

THE PRESIDENT: I said : "The Tribunal would like to know now whether this witness says there is anything untrue in his affidavits and we want to know it now. Do you understand the meaning of the word "now" ?

DR. LATERNSER: Yes, indeed.

THE PRESIDENT: Well, I will ask the witness myself.

BY THE PRESIDENT:

Q. Fieldmarshal von Brauchitsch, are you saying that there is anything wrong in your affidavits, your tw affidavits, which is inaccurate or untrue ?

A. No, nothing which is untrue but something which can be understood.

THE INTERPRETER: Something which is implied, I imagine, is what he means.

BY THE PRESIDENT:

Q. Soemthing which you mean might be lisleading ?

A. Various questions which might lead to error--- one thing is the chart

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and the second thing which might lead to error is the expression "gruppe" - groups -- the expression, the word "gruppe" which I understand in the same way as a figure or number but not as a collection of a series of officers in an organizational or spiritual way, for there existed between the various branches of the Whermacht no connection whatsoever --- rather, the connection here was at the top of the Wehrmacht, Adolf Hitler, and Hitler personally always played off one branch of the Whermacht against another and repeatedly in this way, he talked about the navy and the Luftwaffe and their commanders-in-chief and I know that he did the same thing about the army and myself. The expression "gruppe" can be misunderstood and is misleading in the formulations set down here. It was understandable only in the continuity with the conversations that we had before.

BY DR. LATERNSER:

Q. Fieldmarshal, this epxression, this word "gruppe" -groups, did you use this expression yourself when you talked with the prosecution ?

A. Well, I really can't tell that exactly. It is quite possible, for under the word "gruppe" I do not understand anything different than a number of people or a series but not anything organizational or something closely knit

Q. In the sense that you just mentioned now, that was the sense that you wanted to clarify when you signed ?

A. Yes.

Q. Before then, that is, before this interrogation by the prosecution dealing with this point, had you used the word "gruppe"- groups, in connection with the highest military leadership ?

A. No, for a group like that didn't actually exist, neither in an organization nor in a spiritual way did it exist. In the German army we only know the organization -- division corps, army, or whatever the case might be.

Q. Now, I shall turn to my last question. Fieldmarshall at the end of th year 1941 you resigned. What were the reasons for your resignation ?

A. In the summer of 1941, the influence was growing stronger and stronger on the part of Hitler dealing with all questions of the army and the complete lack of influence of the OKH in all spheres of political and economic admini

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tration of the Occupied Countries, and the inner-contradictions against the policy drafted by Hitler. In the autumn of 1941, this tension increased still more and parallel with that, there were the constant battles with the leadership of the party, who wanted to make known its influence on the army more and more. As there was no possibility any longer of bringing about a change in any way and as hard as it was for me to make that deicison to leave the army -- in which millions had lost their lives -- and to separate myself from this army, neverthêless I decided to take the decisive step. On the 7th of December 1941, I asked Hitler, when I was alone with him, to relieve me of my office. He answered me that he would have to think about this and that I was for the moment not to speak about this matter. On the 17th of December, when we were alone together, he told me that he had decided to take over command of the army himself and the reason he gave for doing this was, that the entire confidence which he was enjoying in the army, considering the seriousness of the winter offensive, that he would have to test this confidence he enjoyed in the army. On the 19th of December he again told me not to say anything and on the 19th I received the order : and on the 20th in the evening, I journeyed to my home and I didn't see Hitl after that. Hitler was the fate of Germany and this fate was inevitable and could not be stopped.

DR. LATERNSER: I have no further questions to put to this witness.

THE PRESIDENT: The Tribunal will adjourn.

(a recess was taken).

THE PRESIDENT: Does the Prosecution wish to cross-examine?

CROSS EXAMINATION

BY GENERAL TELFORD TAYLOR:

Q Witness, Brauschitsch, the Counsel for the General Staff has made reference to two affidavits. Can you hear me? Can the witness hear me?

A Yes.

Q The Counsel for the General Staff has made reference to two affidavits which you signed. Did you have full opportunity to make changes in those affidavi before you signed them?

A Yes, I have had it.

Q I will ask that a copy of the original of affidavit Number 2 be shown to you. Did you, in fact, make changes in the affidavits before you signed them?

A I did not understand your question.

Q Did you make changes in the affidavits before you signed them?

A I have made a few changes in them.

Q Will you please look at the last sentence in the affidavit I have just handed you? Is that sentence ---

A Which part do you mean?

Q The very last sentence, page 2. Is that last sentence entirely in your handwriting?

A Yes, quite.

Q And that last sentence, will you read it please?
Will you please read the last sentence in your own handwriting?

A "In the hands of those departments drawn in the sketch is in fact the direction of the entire Armed Forces."

Q Is that sentence as you read it, correct?

A What I said before, I had pointed out that the sketch might lead to misunderstanding. Whereupon it was stated to me that it was a known fact. For that reason I referred the sketch to those departments of the hierarchy.

Q The sketch is attached to the affidavit which you signed and the last sentence as you have read, says, "in the hands of those departments drawn in the sketch is in fact the direction of the entire Armed Forces". There is no misunderstanding or qualification about that sentence, is there?

H0201-0070

A General, only as far as I have pointed it out to you. The individual par mentioned on the sketch, as they have been drawn, did not belong, but belonged directly and not actually to them, and are all the parts of this working staff.

GENERAL TELFORD TAYLOR: Your Honor, with respect to the questions concerni the Eastern Front, bear in mind that the witness, von Mannstein, who is next to be called, was on the Eastern Front and remained there toll 1944, while the wit ness, von Brauchitsch, retired in 1941. The Prosecution prefers to reserve this question for the next witness, von Mannstein. With respect to the questions on aggressive w refare, referred to documents which are before the Tribunal for a long time, the American Prosecution sees nothing to be gained by putting them before this witness. Accordingly, the American Prosecution has no further quest. ions for the witness.

THE PRESIDENT: Did you hear that? Does the Chief Prosecution wish to ask any questions?

BY GENERAL ALEXANDROV:

Q Witness, you are now here today and say that the seizure of Czecho-Slovak did not really take place and that in any case if it did take place, you were no informed before of it?

A Yes, indeed.

Q Were you not aware of the plans?

A. The "Plan Green" was known to me but it referred to something quite different. The "Plan Green" was compiled earlier, based on the fact that a joint attack from Pratz, in Czecho-Slovakia, was to take place against German. I myself did not know the details of "Plan Green".

Q. But the "Plan Green" dealt with the seizure of Czechoslovakia, is that right? I repeat, the plan called "Green" was a plan for the seizure and attack- ing of Czechs-Slovakia, was it not?

A. As far as I know, "Plan Green" was only connected with an attack without a declaration of war on the part of Czecho-Slovakia, and was called "Green".

Q. In that case, I shall remind you of another document. Hitler's decree of 30 May 1938, the first copy of which was sent to you as Commander-in-Chief of the Armed Forces. This directive was issued for the purpose of fulfilling the plan. I shall read into the record, out of the second section of the decree,

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which states, "It is my decision that Czecho-Slovakia, in the nearest future, will have to be conquered thoroughly by means of one decisive military operation' Do you remember this directive? Have you known about it?

A. That directive I know, yes.

Q. It shows then that there was really a plan for seizure and invading Czecho-Slovakia, is that no so?

A. I don't understand the meaning of that question.

Q. I am asking you, was there actually, in reality, this "Plan Green" for seizing Czecho-Slovakia, or was there no such plan?

A. In May 1938, that idea of Hitler was commented to me for the first time. But you have to take in consideration in this connection that Hitler, as generall known, was always using the strongest possible expressions. I was extremely difficult to derive from his speeches, the actual, true will, which Hitler had.

H0201 - 0073

Q The next question is this. Tell me, witness, by what means did you learn about conversations between General Wagner and Heydrich of the Security Police? How did you know that talks were taking place between those two men?

A From a report received from General Wagner.

Q Was General Wagner subordinate to your office?

A He came under the Chief of theGeneral Staff and that came out of my office.

Q Does that mean that the talks between General Wagner and Heydrich came to your knowledge?

A I don't understand.

Q Does that mean that the talks between General Wagner and Heydrich were taking place with your knowledge?

A Afterwards it was reported to me.

Q And you told me a moment ago that you knew nothing whatever about operation plans made by the SD as a result of such talks and that you did not know that such talks were carried on, but that all plans were made in close harmony with the armed forces?

A I shall repeat the testimony. There was an order of the OKW to the effect that the Reichsfuehrer SS was to appoint commando units and they were to prepare the necessary steps for the transfer of strength to the political state. Nothing more than that was ever known to me and General Wagner did not make a report to me. No other reports of any kind ever reached me. Had I received these reports, I would have, just as in the case of Poland, taken steps against them. I would not have watched and looked on, had I known of them.

Q You were not even aware of the fact that these operationsl groups worked in close contact with the High Command of the Army? Did you know about that?

A No, they did not work together with the OKW.

Q I shall quote an extract from Exhibit 0180, which is a report of a meeting of the SD on October 15, 1941. The report of the operational group , I quote:

"Einsatzgruppe A has just reached the region of the concentration of the forces, as ordered on June 26, 1941. The northern army group consisted of the 16th to the 18th armies and the 4th Panzer Division has marched a day ahead of them. Our problem consisted of establishing liaison with the commanders in chief

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of these groups. It might be noted that the relationship of the armies are the best and the closest. Frequently liaison is so close that operations can be planned almost individually, particularly with the Commando corps. From the very beginning in the campaign toward the east, it has been quite clear that the special work of the Security Police will consist not only of work in the rear, but also work in the front lines and in lines around the front lines."

Q Do you still say you know nothing of this close contact and planning between the Security Police and the Army?

A No report reached me about it and consequently I knew nothing about it.

Q You stated here that you decided not to follow Hitler's decrees about special treatment accorded to Soviet commissars. Did I uhderstand you right?

A Yes.

Q What was Hitler's reaction to your disregard of his decree on this subject?

A Maybe he never heard of it -- he never reacted.

Q Did you ever notify Hitler that you disregarded his decree and that you did not want to follow it?

A No.

Q How did it happen that actually the decree was carried out and a great many Soviet commissars were annihilated in accordance with the decree, which you stated you ordered should not be followed?

A I am not in a position to do so, because I never received a report about it. I only received the report that the order had not been carried out.

Q Another question. When counsel for the defense asked you your reasons for leaving the army, you stated that you retired, even though you loved the army, because of a difference of opinion in Hitler's policy and because of these differences, you asked for and received the right to resign. Is that correct?

A Yes.

Q That means that those generals, who did not agree with Hitler's policy and his form of government, did have the right to resign and not

H0201-0075

follow his policy. Is that correct?

A Unfortunately no. Hitler had explicitly ordered thatno one was allowed to go away from his command. One could not go if one wanted to. In my case, I could because he needed a scapegoat, a scapegoat because of the failure of the Russian campaign. That expressed itself in the propaganda spread in Germany, in which I was blamed for these matters.

Q I have no more questions, Mr. President.

RE-EXAMINATION

BY DR. LATERNSER:

Q I have only a very few questions, which I wish to put concerning the statements of the cross-examination. In this Document No. 0180, which has just been quoted by the Russian Prosecutor, Colonel General Hoeppner, is being mentioned. Did you know Colonel General Hoeppner well?

A I have known him since 1914. He was my chief of staff in Prussia and I know him extremely well.

Q You surely knewhis attitude then with regard to the use of force?

A General Hoeppner was a straightforward and honest soldier. He would refuse to do anything which would not be in keeping with his education and his method of being brought up.

Q Is Colonel General Hoeppner alive?

A He was a victim of the events of July 20th.

Q In other words, it was because of his action against such methods, he was sentenced to death. Is that right?

A Yes, it is.

Q You admitted in that report that in so far as the offices mentioned, there was a connection.

A The only way I could mention what happened is, as I said earlier in my testimony, that is in regard to my negotiation with General Wagner and Heydrich Namely, there was a question of cooperation taking place on the fighting front. Conditions in the north were extraordinarily difficult. Part of the Russians were behind them and then there were the difficulties of bringing up reinforcements and repairs. I can well imagine that these groups may have been used in repairs. I never received the reports about that.

Q Did you know General Wagner well?

H0201 - 0076

A Yes, I did.

Q What was his attitude in regard to this report?

A He committed suicide July 2[illegible], 1942. He was against the whole system and any measures which would have been a contradiction of rights, decency and humanity or any violations of the rules of the Hague and Geneva conferences. The conference with Heydrich would have been communicated to him, that is of the special action group.

Q He would have made a report to you?

A Yes.

Q Thank you, I have no further questions.

THE PRESIDENT: Witness, did you read the evidence of the witness, Gisevius?

THE WITNESS: Yes, sir.

THE PRESIDENT: Are you telling the Tribunal that insofar as it refers to yourself, it is entirely untrue?

THE WITNESS: Yes, sir.

THE PRESIDENT: I want to ask you another question. When the Commissar order was communicated to you, before the war with the Soviet union was made, what orders did you give?

THE WITNESS: I had given the order, which I mentioned earlier. I tried to carry on discipline and see that correct treatment was to be accorded to the population on the part of the German soldiers. In other words, the perpetrators were to be punished.

THE PRESIDENT: That is, do you say that you did not give any orders directly referring to the Commissar Order?

THE WITNESS: No, I could not, I did not receive the order directly, but I did give an order which unmistakably gave my views and convictions.

THE PRESIDENT: You gave your order in writing, did you?

THE WITNESS: Yes.

THE PRESIDENT: Are you telling the Tribunal that you never knew during the last of 1941 that the Commissar order was being carried out?

THE WITNESS: Mr. President, I am not trying to hide facts. I am merely trying to say that I did not receive any reports on it and consequently could not say anything about it. When I made inquiries about it, I only received the

H0201-0077

information that the order was not carried out.

THE PRESIDENT: Well, then you are saying that as far as you know it was not carried out until the time you retired?

THE WITNESS: Yes, and more I cannot say, Mr. President.

THE PRESIDENT: I am only trying to find out what you did say. The witness may now retire. Witness, did you want to say anything more?

THE WITNESS: No, Mr. President.

H0201-0078

DR. LATERNSER: As my second witness I am going to call Field Marshal von Mannstein.

ERICH VON MANNSTEIN, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name, please?

A Erich von Mannstein.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sis down.

DIRECT EXAMINATION

BY DR. LATERNSER:

Q Field Marshal, what was the last position you held?

A My last appointment was the Supreme Commander of the Army Group South.

Q How did you achieve that position?

A I was given that position in November 1942 on the strength of an order from Hitler.

Q The remaining Supreme Commanders were appointed in a similar way, weren't they?

A Yes.

Q For many years you have held important positions in the General Staff. In which capacity?

A In the last war I was in the General Staff of the Troop. Then in 1929 I joined the Reich Ministry for the Armed Forces, there I joined the First Department of the Troop Department.

Q Was the General Staff an elite of the armed forces?

A The General Staff officers were an elite as far as on the basis of their tactical abilities they were selected and also on the strength of their character. They were not influencing the army as their views were exactly the same as the views of all other officers. As to the question of dictating the tone of the armed forces, there cannot be any question of that. The Navy did not have a General Staff. As far as the Air Force was concerned, as far as I can judge, the General

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Staff officers may have played a smaller part, like Milch, Udet, and so forth, but to begin with the Armed Forces did not have a Wehrmacht General Staff. As far as dictating the tone within the armed forces goes, one can hardly speak of that.

Q Did the General Staff have important influence on all military plans and was it, shall we say, the spiritual influence of the army?

A In the Armed Forces Ministry of the Reich, the General Staff in its various departments did deal with certain questions as far as they concerned the leading of troops and the employment of troops. As far as all other spheres of influence were concerned on the other hand, they were in the hands of the various departments or the Army Inspectorates and there they were under the General Staff. As far as the actual life of the troops was concerned, that was dealt with in these departments I mentioned.

Q But then surely the General Staff passed an opinion?

A The General Staff could deal with the questions dealt with by the department, questions of training and equipment, naturally. But the chiefs of the departments were on exactly the same level as the chiefs of the troop departments, and where important personnel questions arose, this was dealt with entirely outside the General Staff.

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Q. Was the chief of the General Staff the decisive adviser of Hitler, or was it the supreme commander of the Army and Air Force? Who was he?

A. One cannot possibly say that the Chief of the General Staff was the decisive adviser of Hitler. The Chief of the General Staff differed in the Armed Forces of the Third Reich entirely from thesame position as it had previously been occupied by the Chief of the General Staff at the time of the Kaiser. In those days the Chief of the General Staff was immediately subordinate to the Kaiser, that is to say, he could report direct to him. In the Armed Forces of the Third Reich on the otherhand, and even the Weimar Republic that was entirely different. The Chief of the General Staff of the Army, for instance, was nothing other than the adviser of the Supreme Commander of the Army regarding matters of military tradition. Between him and Hitler there was, first of all, the Supreme Commander of the Army and then also, as long as we had a Minister of War, Blomberg, also the Reich Minister of War. Therefore, as far as the question of the Chief of the General Staff advising the Supreme Commander of the Army he shared his work with the Chiefs of the Departments, that is to say, the Personnel Department, the Equipment Department and the Defense Department, who were all subordinate.

Q. Was there a special service channel for the General Staff?

A. A special service channel for the General Staff did not exist. To the contrary. That was distinctly disallowed towards the end of the First World War. Something similar was developing at the time when Ludendorff in practice was having complete control of military matters and when he was always addressing himself to the General Staff Chiefs who were his subordinates instead of addressing himself to the Chief Commanders themselves. This association of the military leadership was made by Lieutenant General von Beck and a special service channel of the General Staff seems therefore to exist.

Q. And what about the privilege of announcing these opinions?

A. In the old army, every Chief of the General Staff had the right, if he was of an opinion different than that of his commander, to express that

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opinion, although, of course, he had to carry out the order from his commanding officer. In the Armed Forces of the Third Reich on the other hand that was discontinued and expressly discontinued, at that, something which happened with the agreement of the Chief of the General Staff, General Beck.

Q. Was the OKW shall be say, the central brain of the Armed Forces?

A. The OKW of course in the form in which it is now being mentioned, only came into being in 1938 as a working staff for Hitler. Before that, Blomberg was Minister of War in the Reich and in his position as a Minister he was holding a position which was dealing with all matters effecting the Armed Forces which he represented to both the State and the Party. In his hands, also, there was the distribution of funds for the various sectors of the Armed Forces, and a rearmament capacity for sectors of the Armed Forces. Gradually, no doubt, Blomberg was trying to achieve a more outstanding leadership for the Armed Forces but in that connection he was soon getting into considerable difficulties, particularly with the OKH, for the reason that in the opinion of the OKH, Blomberg was being too lenient with the Party. He then attempted himself, shall we say, tactical leadership staff, but that was only in his station. Afterwards came his departure and subsequently the Armed Forces Leadership Staff was created under Hitler but it seems to be regarded as head of the three General Staffs of the Armed Forces; it was nothing other that the Tactical Leadership Staff of the Fuehrer.

Q. Did the three commanders of the armed forces branches meet with the General Staff? Did they have meetings in the OKW in order to achieve their aims?

A. Naturally the three branches of the armed forces were in agreement with the OKW that the national element should be kept up. Furthermore, there was a sort of national ardor, equality, and most of all superiority for Germany which they considered their task. They went about that. One can hardly speak of a unified formation of a will. As an example I should like to say, for instance, that if the army had one basic thought, one principal thought, it was that under no circumstances could Germany once again fight a

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war on two fronts. The Navy, in my opinion, always had the one leading thought, never to get into war with England. But Goering, as the reigning head of the Air Forces, might have wanted that. Personally, that I cannot judge. But I don't suppose that he was interested in jeopardizing the position of the Third Reich and his own position in a renewed war. As far as the OKW is concerned, if it formed a will at all, it did not, in my opinion, have the possibility to seriously bring that will into effect on Hitler.

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Q What was the significance of the Schliefen Union, its aims?

A The Schliefen Club was generally speaking a club of ex-members of the general staff. Apart from that, general staff officers and leaders of the young armed forces were in it, too. They met once a year on the occasion of a meal; and then therewas a so-called meeting during which there was a budget produced; and that was really the principal aim. Then, of course, it had a Council of Honor, which usually had to occupy itself with certain ideas result from Ludendorf's attitude toward Hindenburg.

We didn't go to those meetings any more; and apart from that we didn't come under this Council of Honor. Any political or military aims on the part of this club did not exist. You mustn't consider it as being a club where intellectual schooling or training was being carried out.

Q What were the connections between the 129 military leaders in the OKW and the General Staff?

A The bulk of them, according to their position, weren't interrelated at all. Only part of them belonged to the OKW, Keitel, Jodl, Warlimont, Winte. and only the chief of the General Staff belonged to the General Staff as chief the staff of the Army Air Force, who changed frequently. I think there are five of these. All the others neither belonged to the General Staff nor the OKW.

Q But what are these leaders otherwise?

A They are the holders of the highest positions in the hierarchy as th are in every country.

Q Did these military leaders not according to their views represent a whole group with a uniform formation of will?

A Naturally as far as the conception of their work was concerned, they agreed; that is, in a matter of course. Also they agreed regarding the view of the necessity of Germany's being strong because it was surrounded by three neighbors from whom one might, after all, expect one thing or another. Over and above that, however, such a uniformity of thought cannot be talked about; it cannot be talked of. I want to say that horizontally speaking the three branches of the armed forces were on the same level; and each branch of the armed forces had different military thoughts and aims which quite often worked

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against each other.

These 129 officers must be subdivided according to the military hierarchy into four steps, shall we say, which, according to the importance in order, were this way. The highest step was the Fuehrer and his working staff, the OKW. From that level there was the entire military and political responsibil which, according to military principles, can always lie only in the hands of the highest leader.

The second step was the commander, three commanders of the three branches of the armed forces. They were responsible for the militarization of that branch of the armed forces which was under their command. There, in that sphere of command, they of course had entire responsibility. If Hitler's sphere of command left them in their military sphere, then they were of course to a certain extent his advisers.

Steps 3 and 4, which, in the shape of 129, only existed in war, were the commanders of army groups; and then below that, Step 4, the commanders of armies, the commanders of army groups were responsible for the leadership of the operations which they were to carry out; and the same partial responsibility for their armies was in the hands of the army commander below them, who were carrying out the function of the man in the step itself.

Then that third and fourth step was in no connection, shall we say, as far as false ideas were concerned, to Hitler, the Fuehrer because in between there was the step of the supreme commander which received orders and had to obey them. That is, in military life at all times the relations are those of one who gives orders and one who carries them out.

Q What was the responsibility which you have described? What is the possibility regarding anyone's attitude towards Hitler's plans?

A To state views about Hitler's plans was quite out of the question for the third and fourth groups because they would only learn of the facts when it appeared in the shape of an order. If in individual cases the supreme commander was called to a conference with Hitler, then here again it was the announcement of a decision already arrived at which couldn't be altered. These supreme commanders of the armed force branches could of course when they were previously ordered by Hitler, of which I can't judge individual instances,

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state their views, their opinions. As far as they might have agreed with that that is written on yet another page.

Q Well, then very nearly all of these military leaders came from the general staff. Wasn't it for that reason that these military leaders were forming a unity?

A Certainly, as a certain part of these leaders did come from the general staff. In the case of the army, the masses of the 94 officers of the army who are supposed to belong to the so-called opposition, of them 74 had been general staff officers; 20 on the honored Wehrmacht. In the case of the air force, there were, as far as I know, only 9 out of 17 ex-members of the general staff; and the navy, of course, didn't have one. Uniformity, let's say, as far as it existed at all, was therefore due to the fact that they had the same military training, the same military career, but no more.

Q So that the position of the OKW of the general staff on one part and these 139 officers on the other -- that made a difference?

A Yes, of course that made a difference. They were the military leaders, the commanders of the general staff, and not the OKW, in the main, the bulk; and as far as a uniform organization is concerned, you can neither call that ideally speaking nor materially speaking nor practically speaking nor theoretically speaking.

Q But then certain SS leaders are also amongst that group. Wasn't it the fourth branch of the armed forces?

A No, it certainly was not a part of the armed forces. Quite certainly a large portion of the leaders of the Waffen-SS and in the war were matters of the unity of the Waffen-SS incorporated in the army because naturally considering the opposing will of the Fuehrer and Himmler, it was revolution. The uniformity of the Waffen-SS during the war time fought very bravely next to our comrades; but the fourth branch of the armed forces were quite to the contrary. Himmler stopped everything which would have made for any type of influence exerted on them by the armed forces. That individual leaders of the SS were incorporated amongst the group must be described as good raste, considering Himmler's personality because if there ever had been a deadl enemy of the army, it was Himmler.

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Q Why do you say Himmler was a deadly enemy of the army?

A Without any doubt whatever Himmler wanted his SS to take the place of the army; and particularly the generals of the army were pursued by him with his hatred and his libel. That is my opinion. I know it about myself at anyrate from very reliable sources. I know that it was very much due to Himmler who was using violent libel against the nation. As far as the other leaders are concerned, I only know that some of the Reich ministers who were dismissed from their work were very much in our favor. That's pretty clear.

Q But did not the Party and the armed forces work together on a plan in the interests of the Reich?

A The party was working in the political sphere; and we were working in the sphere of the influence of the soldier. A joint plan of the party and the armed forces is something that can't possibly be expected because the prerequisites were lacking. First of all as one of the most important prerequisites there was a lack of very mutual basic attitude. Many methods of the party, as is known, did not appeal to us at all; and even on such principal questions as the question of the differences of opinion one can hardly say that there is lacking the intellectual basis for a uniform plan.

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The second reason against it was the claim for total power of the Party, which again and again contributed to influencing the armed forces, and I can well say that we officers were always fighting a continuous battle against the influences of the party gaining power over our soldiers, by which the soldierly element which we represented would have been moved aside. Then the third reason is that our plan under Hitler would have been out of the question. If anyone would make any plan, it was Hitler alone, and below him no one was allowed to make plans. Quite apart from that, in the political and practical life of the third Reich one sector never knew what the other was doing, what the tasks were they had. There again, uniformity is quite out of the question. There was, therefore, a lack of all thenecessary prerequisites of such a uniform plan.

Q What was the capacity you have in the General Staff of the Army?

A In the General Staff, that is to say, the central department of it, I was from 1929 to 1932 employed as a first general staff officer, shall we say, when I worked in the first department. Then in 1935 I became the chief of the operation of the army, and in 1936 I became headquartermaster Number 1. That is to say, deputy of the chief of the general staff of the army.

Q As Chief Quartermaster Number 1, did the operational staff come under your command?

A Yes, the operational department came under my orders. So did the occupational department and various other ones.

Q So that you as the chief of the operational department would have had to deal with the employment of troops in the event of war?

A Yes, of course.

Q But then you must have been informed about the aim and the degree of rearmament?

A Yes, the goal of our rearmament, first of all, in the years before the seizure of power, was the most primitive security against an unprovoked attacked on the part of even one of our neighbors. After all, since all our neighbors had certain designs on German territories, we had to suspect such a possibility at all times. We were perfectly aware of the fact that at best we could stand up to such an attack for a few weeks and put up resistance, but that we did want to achieve. In order to prevent that, for instance, in

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the event of an attack by Poland, the occupation of Upper Silesia would create a Fait Accomplit. We wanted to make sure we could go on fighting until the League of Nations would interfere. Practically speaking, we were relying upon the League of Nations, and we could only do that if we ourselves would under no circumstances whatsoever be called the attackers. We knew at all times, therefore, that we had to avoid everything which might be considered a violation of the Treaty of Versailles or a provocation. For that reason we in the first department had formed a special group of officers who had the right -- whenever the OKH were issuing orders, they had to make sure that no such violations were contained therein or took place.

Q Did you have plans for a mobilization at the time when you were chief quartermaster No. 1?

A Yes. The first mobilization plan we had on the first of April, 1930, when it became valid. It was the transformation of the army of 100,000 men into a state of war. That was the plan for that. That mobilization was then dealt with annually after 1930.

Q Until then?

A Until then there was no mobilization at all.

Q Were there plans for a march?

A Plans for forming up did not exist after the end of the last war and until 1935. In 1935 the first plan for forming up was being dealt with, the so-called "red" forming up, which was the forming up along the Rhine. That is western frontier, and the defense or forming up of the Czechoslovakian and Polish borders. And then there was a second forming up plan, called "green" which was being worked on in 1937 that --

THE PRESIDENT: Witness, by "forming up" do you mean deployment? What do you call a forming up plan? You mean deployment?

THE WITNESS: By a "forming up plan" I understand a plan according to which troops, in the event of the threat of a war, were being got ready along the frontiers, a plan, therefore, for the event of a political concentration being threatened, whether it would be to war -- whether this accumulation might be the basis from which a war might be started, that isn't actually contained in the forming up plan. The forming up plan merely states where the troops are to be accumulated, where and for what, and in the event of war what would be the

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first tasks for army groups.

BY DR. LATERNSER:

Q Were those all the forming up plans, those you have just described?

A Those were the two forming up plans which I as chief quartermaster had experienced. The forming up plan white, which was Poland, was not worked on during my time. It must have been worked on in 1939.

Q When did you leave the OKH as chief quartermaster No. 1?

A It was on the 4th of February, 1938, the same time when Colonel General von Fritsch was removed.

Q And at that time the forming up plan against Poland was not yet in existence?

A No. Only the forming up plan red existed, which was a defensive securing of the Polish borders in the event of war.

Q What was the position of the OKH, the attitude of the OKH, with reference to the reestablishment of Germany's position in 1935? At that time you were in the OKH?

A No. I was chief of the Internal staff, but I know from my knowledge of the general staff that that declaration surprised all of us completely at the time. I personally, and my commanding general in Berlin, only heard of it over the radio. The general staff, had it been asked, would have considered 21 divisions as the size of an army which we considered suitable and advisable for that time. The question of 36 divisions was due to a spontaneous decision made by Hitler.

Q Wat the occupation of the Rhineland demanded by the military, and was it planned to be in preparation for a war?

A No. We didn't demand the military occupation. First of all, we didn't consider -- we didn't plan it for a preparation for a war. To the contrary, at the time the occupation was carried out it was the chief of the department and I myself who had to draft the orders for that organization. Since we were completely surprised by the decisions, I had only one afternoon to do it, because the following morning the generals in question were already arriving to receive their orders. I know that at that time the Reichminister of War and Colonel General von Fritsch were stating their objections, because they warned Hitler against the one-sided solution of such a question. That

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warning is the first source, in my opinion, for the distrust which the Fuehrer increasingly had for the various generals. On one occasion, a conference between us two, he himself admitted to me once that that was so. And particularly Blomberg at that time when France was mobilizing thirteen divisions, dready had suggested that the three battalions which we had pushed across the Rhine to the western bank should be withdrawn again. The intentions we had for the fortification of the Rhineland afterwards were purely defensive. The western wall was planned, just as was the Maginot line, as a wall, if possible, insurmountable in the event of attack.

Q To what extent were military leaders participating in the case of Austria? Surely you are wellinformed about that.

A One fine morning, and quite surprisingly, I was called before the Fuehrer together with General Beck, the chief of the general staff. It was about eleven o'clock in the morning. Hitler announced that he had decided that the Austrian question was to be solved on the basis of theplebiscite, the result of which -- the intentions for a plebiscite had been announced on the part of Schuschnigg the day before. He demanded arbitration and our suggestions regarding our march into Austria, should this be necessary. The chief of the general staff thereupon suggested that the course which we need for the march would be complete mobilization on Bavaria, and the Panzer division would have to be mobilized first, but that such a mobilization, in fact, such a measure altogether was in no way prepared, since the political leaders had never given even as much as a hint that such instructionsmight be received. It would be necessary, therefore, to improvise everything.

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First of all, the Fuehrer did not want to suffer this mobilization, but then he realized that if he wanted to march in at all, troops would have to be mobilized, and he granted the point, and he said that the following Saturday -- the day before the planned plebiscite -- he would have to march in if he wanted to march in at all and that the order for the mobilization of those corps had to be given s till on that same day if the mobilization of the forces on the border was to be completed in good order.

The conference started at about 11 o'clock in the morning and went on until about one o'clock, and in the afternoon at six o'clock the orders had to be ready to go out. They came out twenty minutes late, and I had to draft the orders for the forming-up myself, so that I had four or five hours altogether to do it in. Before that, such a thing had not been thought of at all. The so-called Case Otto has nothing at all to do with this entire affair.

Q So that you, as the man responsible for the drawing up of the orders to the troops in that case, had just a few hours from the moment when you knew nothing until the moment you had to issue the order?

A Yes, that is right -- about four or five hours.

Q Did you as the responsible Quartermaster I, responsible for planning of war, know anything at all about the conference which Hitler held on 7 November 1935?

A No, I knew nothing about it.

THE PRESIDENT: Dr. Laternser, the Tribunal would like to know what you are saying the Plan Otto was for. What was the plan made for?

A We in the army did not have a completed plan called Otto. I only know that that was a code word for some measures of the OKW for the event of a restoration attempt on the part of the Hapsburgs in Austria in connection with Italy. That possibility was always pending, and I want to supplement my statement by saying that at the time when Hitler gave us the orders for Austria it had been his chief worry, not so much that there might be interference on the part of the Western Powers, but only the worry as to how Italy would behave, because Italy was always under the same roof with Austria and the Hapsburgs, it appeared.

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THE PRESIDENT: Well, are you telling the Tribunal that you do not know whether the Plan Otto was a plan for the German army or part of it to march into Austria?

A No, the Plan Otto only returned to my knowledge and became clear to me when I read the interrogation record of Jodl. The question of a plan of march into Austria, such a plan did not exist in the OKH because I had to prepare these orders within a few hours after the conference with Hitler.

THE PRESIDENT: Yes, but if the Plan Otto was not a plan for the march into Austria, what was it for?

A That I can not say because I only know that it was some sort of plan on the part of the OKW connected with the question of the restoration of the Hapsburgs in Austria, but we ourselves did not introduce any measures as far as I can remember that were connected with it. I do not even know whether I myself was familiar and occupied myself with the code name at the time at all. It may be so, but I do not know now.

THE PRESIDENT: Go on.

BY DR. LATERNSER:

Q Fieldmarshal, you participated in the conference on 10 August, 1938. What was the purpose of that conference? What were the contents?

A That conference was something quite unusual. The Fuehrer had ordered to appear before him the chiefs of those armies which, in the event of a march into Czechoslovakia, would have to march up along the border, but he did not order the Supreme Commanders to appear, as would have been natural -- only, shall we say, the younger generation of chiefs. Possibly he knew from the memorandum of Colonel General Beck and its submission by Colonel General Brauchitsch that the commanding generals were turning down any type of policy which might lead to a war and that was why he ordered us to come along, in order to convince us of the necessity and the correctness of his decision.

This was the only and last instance of such a meeting in which there were questions and discussion afterwards. He had been mistaken insofar as the chiefs of the General Staff, too, were raising objections regarding the possibility of interference on the part of the Western Powers and of a war that might arise from it. It was one of the most unpleasant and serious clashes

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between the Fuehrer and General von Beckelstein with reference to that question. After that, whenever such meetings took place, there was not a single occasion when questions or discussions were permitted by him.

Q Were the cases of Austria and the Sudetenland to be considered rehearsals, militarily speaking, for a war?

A No, that they certainly were not, because our troops were not fully mobilized, and the mobilization of these corps on the occasion of the march into Austria was demonstrating to us that nothing had advanced sufficiently to carry out a reasonable mobilization, and if a war had occurred, neither our western border nor our Polish border could have been effectively defended by us, and, no doubt, if Czechoslovakia had defended itself, we would have got stuck in the fortifications, so that in practice we did not have the means to break through. A military rehearsal is certainly out of the question. It was a question of trying the political nerves, yes.

Q When you were informed of the military preparations against Poland, did you have the impression that an aggressive was was being planned?

A I was posed for the position of the General Staff of Army Group South when the plans for the Polish campaign were drawn up. When I received the plans for the forming-up, that was definitely a forming up for an attack, but there were various important points which indicated that there was not an intention of aggression.

The first one was that in the spring of 1939 and by order of the Fuehrer, there suddenly started the strongest fortifications of the eastern border. Not only thousands of workers, but entire divisions were employed to build these fortifications, and the entire material from the Czech fortifications was dragged over there and used up. Part of the most fertile land in Silesia was taken up by those fortifications, and that, of course, would indicate anything but an aggressive intention.

The second point which was against it was the fact that training continued on an entirely peacetime basis. I myself, while I was divisional commander at the time, remained on the parade square with my division in the exercise ground on the Luder -- far away, therefore, from that part of the country where my division would have to be drawn up.

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After that, we knew of the speech in the House of Commons by Chamberlain in which he assured the Poles of assistance, and since Hitler, on every occasion during the time I was in the OKH, always and repeatedly stated that he would never allow a war on two fronts to happen, one could not possibly consider that, in view of that promise, he would indulge in a policy of risk.

On the other hand, however, we had the most reliable information to the effect --information which was confirmed by practice afterwards -- that the Poles in the Province of Posen were proposing to draw up their troops for an advance toward Galicia. We failed to understand the entire situation, but in fact that was the way the Poles drew up their troops at a later stage. The probability of a war might be listed therefore, and most probably, due to the possibility that the Poles could look to Britain for assistance and if the political negotiations should reach a crisis, the Poles might on their part do something careless and attack themselves, and then, of course, a war would have happened quite certainly.

Considering all these clues, all these symptoms, one could hardly assume that Hitler would initiate an aggressive war against Poland. The conference at Obersalzburg, for instance, on 22 August did not give me the impression, either, that unconditionally a war would start -- an impression that my supreme commander, Field Marshal von Runstedt, and I had until 31 August or 1 September of that year, since an order to march in given on the 25th had been withdrawn

THE PRESIDENT: We will adjourn now.

(The Tribunal adjourned until 1000 hours, 10 August 1946.)